

**IN THE APPELLATE COURT  
OF NIUE**

**Application No's: 11021**

**IN THE MATTER** of the land known as Part Laloai,  
Avatele

**BETWEEN** NIUMANI MITINI TULEHEMOANA  
Appellant

**AND** KETILIGI SANITELI FERETI  
Respondent

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**DECISION ON APPLICATION TO ADDUCE FURTHER EVIDENCE ON APPEAL**

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- [1] The appellant has sought leave to adduce further evidence on appeal.
- [2] It is important for the parties to know as soon as possible whether the Court intends to receive the evidence referred to in the application. This is particularly so because it appears to be contemplated that a witness would travel from Niue to give the evidence.
- [3] The coram of the Court of Appeal have considered the application. It is declined and the evidence will not be received.
- [4] Reasons for decision will be given in the judgment on appeal.
- [5] The Court on considering the documentation file thus far is concerned that counsel appreciate the terms of Rule 42(2) of the Land Court Rules 1969 and confine themselves to the grounds set out in the Notice of Appeal.

Dated at Rotorua, New Zealand on this 12<sup>th</sup> day of November 2014

  
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**P J Savage CJ**