

IN THE MALAITA LOCAL COURT

LAND CASE NO. 12/92....

DATE: 5th October 1992

Name of Land in dispute..... Didibulu/Baolaabu.....

Name of Plaintiff: 1) Kenath Aromea of Tofafo village, West Kwara'ae  
2) Frank Gae of Tiuni village, West Kwara'ae.....

V.

Name of Defendant: ~~Charles Makaitoa Aikafua~~ of Tiuni village, West Kwara'ae.....

D E C R E E

JUDGMENT:

Court finds that Plaintiffs claimed the right of a woman name OLIANA of Matangaitala land. Kosalo of Tafisaulafi married OLIANA daughter of Defuana of Matangaitala then they came to live at Baolaabu in Didibulu land.

While defendant claimed he discovered Didibulu apart from his mother land Faulalamoa on the other side of Kwarea river. C. Aikafua said that his devil discovered Didibulu/Baolaabu land. Mr C. Aikafua added on more to say that Kenath and Frank are from Matangaitala not Didibulu/Baolaabu. Defendant Aikafua said his devil Furikwao discovered Didibulu before Kenath and Frank arrived to him.

Court finds this land disputed was once brought before Kwaiabu chiefs settlement committee and settled in favour of Kenath and Frank. Later C. Aikafua brought the same case before Dala house of chiefs to resettle the matter that these chiefs gave decision in favour of him. By doing this that Court is very much confusing of the two chiefs settlement committees tried to settle one piece of land between the two parties involved within the same area on two occasions.

PW1 Manase Susungainia told Court that he and Aikafua descended of one devil of Gereia land. That he denied Aikafua not own Didibulu/Baola'abu customary land. Manase believed Kenath and Frank Gae own Didibulu/Baola'abu.

PW2 - Simon Deremanu said that he remembered three (3) occasions defendant Aikafua came to him and asked him if they could sell this land to others. Frank Fosala or Rongosulia for a 3 ton truck and sum of money. Court very much doubt that if the discoverer and true landowner why he seeked permission from others before selling away of such portion of a customary land Didibulu. Court finds that if any landownership of any land should follow by buying, a female woman side a reward (Foa) a ransom gift (Firita) PW1 & 2 both related to C. Aikafua that he admitted they came out of GEREA land but they witness to Mr Kenath Aromea and Frank Gae and denied C. Aikafua not own Didibulu/Baola'abu.

Court also found that C. Aikafua admitted Kenath Aromea and Frank Gae have owned the disputed land. Plaintiff said that his tribe inhabited the land with eleven generations and shown one settlement site Baola'abu and their principal tambu site that they respecting their ancestors and great grandfathers during the thorough surveying of the tambu site PW1 - Manase showed the Court party a stone oven where their grand fathers offer sacrificial pigs for the male and female

linealogs who blood related to them Didibulu/Baola'abu land we visited on 9/10/92.

CCW

- IN CONTRAST -

Court finds that defendant A. C. Aikafua claimed discovery of Didibulu/Baola'abu land apart from his mother land Faulalamoa separated by Kwarea river. During land surveying of the disputed land Kenath and Frank showed to Court party Baolaabu settlement site and grandfathers principal tambu site Didibulu where they brought their pigs on female linealogs.

PW1 - Manase showed the stone oven female and male lines used to over their sacrificial pigs to the devils of Didibulu tribe. Plaintiffs also denied two Didibulu but only one Didibulu they visited.

At Didibulu principal site enclosed with a barricade of wall stone that we never investigating within the barricade.

Court finds that defendant A. C. Aikafua claimed discovery of Didibulu land part of his Faulalamoa customary land. Court finds that Aikafua have 13 generations inhabited the land but failed to show the tambu site 13 generations died and buried. He claimed in Court that we visited his Didibulu 2 where allowed for female lines to offer their sacrifices to the devil Court insisted to go to his principal tambu site Dididbulu One (1) but C. Aikafua explained to Court that his father never took him to the site where his ancestral remains are kept and no human being is allowed to roam around the tambu site. So Mr C. Aikafua did not lead Court party and plaintiff party to the holy of holy site.

Court also found that C. Aikafua mentioned in Court that his grand and father came into the disputed land in 1943 and inhabited the land until today. Therefore this Court doubted that he was not a discoverer of Didibulu disputed land.

DW1 - Kaliwane was talking about the boundary of Didibulu/Baola'abu land. He was not given any supporting evidence in Court.

DW2 - A. Arurumae was asked to help the defendant but withdrawn himself from being giving any evidence in Court to support A. C. Aikafua.

DW3 - Robert Gagale was telling a liar in Court because his father Belo in chiefs committee held in Dela witnessing Kenath Aromea and Frank Belo's son Robert Gagale witness to Aikafua in Local Court today. Robert also claimed that his father was telling liars in Court but gave no reason to prove that his father was telling liars.

Court also found that the defendant C. Aikafua denied the woman OLIANA was not from Matangaitala but from different tribe he has no witness to prove and support his evidence.

When questioning the defendant in Court whom did you find in Didibulu land? A.C. Aikafua answered my devil Kofoe found Laufanoa that court found the name Laufanoa appeared on Kenath Aromea's genealogy who blood related to Didibulu on female line. The devil Laufanoa appeared seven men on generation of Plaintiff then on the nine men of the generation you arrived to Kenath and Frank who already inhabited the disputed land Didibulu/Baola'abu. Referred to question No. 11 Court asked to defendant. Court also finds that at Didibulu tambu site C. Aikafua said that if were him he would spot his properties one here and there on the tambu site visited. In completing the case Court offer the following:

DECISION

MR KENATH AROMEA & FRANK GAE and clans have the right ownership of DIDIBULU/BAOLA'ABU disputed land. MR ALLEN CHARLES AIKAFUA and clans have no right over Didibulu/Baola'abu.

Any existing properties own by others may remain theirs but any new development after this case may seek permission from Kenath and Frank. You Charles Aikafua must return any payment you got for selling of any portion of Didibulu/Baola'a land.

Boundary lines from ARENIU stream Afoafoa river goes down Kwarea river to the east goes up to Didibulu to the source of Ariniu stream again.

Right of Appeal Explained. Expiring date 13/10/92 - 13/1/93.

Signed Members: Patrick Maekira - Vice President  
Joseph Taega - Court Member  
Joseph Feramiti - " "  
Lucian Kebai - Local Court Clerk

Dated this the 13th day of October 1992.

