

Name of Land in dispute..... UNA'ABU/OTE

Name of Plaintiff: JOEL IERIA SIRIO OF ATOHI VILLAGE, K/KWARA'AE

V.

Name of Defendant: 1) MICHAEL SARU (2) BARNABAS SARU (4) LEONARD SARU  
OF NGONGOBILA ISLAND, WEST KWARA'AE

D E C R E E

JUDGMENT:

- 1) Court looking through Faumanu case of 18/7/72 Maelimani claim that Maefou wrongly sold this land of Una'abu to Anthony Saru. In the decision the Court declared that Unua'abu land belongs to Maelimani. Maefou has nothing.
- 2) In the High Court No. 2 of 1973 over the same. Maefou appeal against the decision of Faumamanu Native Court of 18/7/72 which the High Court dismissed the appeal. And interesting the High Court stated "But if Anthony Saru or for that matter anyone else, wishes to buy more of Unuabu land they must buy from Maelimani and his line" But the sale of a portion of land will stand as good.
- 3) The sketch map of defendant 2130 infact made after High Court decision. Court question to Leonard Saru. "Is your drawn map 2130 drawn after High Court case? Ans - L. Saru "My map was drawn before High Court case.
- 4) Court find out the sketch map of defendants or Anthony Saru 2130 was drawn in 1977 after the High Court Decision of 1973.
- 5) This Court had aware of the case 1/79 dated 10/5/79 in which the boundary was finalized. But this Court takes account on the fact this case had released to chiefs settlement for decisioning.
- 6) In the chiefs settlement of 10/10/91 chiefs awarded the decision in favour of Maelimani as true landowner of Unuabu land and anyone buys from Maelimani has better chances.
- 7) The paramount chief Adriel Hofatea IV5 gave evidence in Court that 3 days chiefs had waited for the defendants, Leonard Saru and other two brothers but failed to attend the settlement, and chiefs gave decision in his or their absence.
- 8) Paramount chiefs Adriel Hofatee stated that David Kanekane the son of late Maefou had confessed before chiefs that his father

was wrong in selling Maeliman's land to Anthony Saru (late) There was a letter submit to Court by Kavid Kamekame of denying the confession. The Court would have satisfied if David Kamekame could attend the Court to witness his confession before chiefs and letter submitted to this Court. In this the Court had doubt whether this letter was written by him D. Kamekame or somebody else.

- 9) When Court inspected the disputed area found that \$100.00 is no match for the area which Anthony Saru claimed whole of Unuabu was claimed by Leonard Saru and this gave the Court grave doubt as \$100.00 was rather small in comparison to areas which Court had inspected.
- 10) When Court compared the amount which Plaintiff J. Iedia Sipolo purchased, his claimed area with of \$200.00 with one tafuliae looks believable.
- 11) In Joel Iedia Sipolo has five witnesses to prove in purchase. In comparison to Iedia Sipolo Dfd of has 5 witnesses to prove his purchased of disputed area and Leonard Saru Dfd of having no witness, the Court had believed that Iedia Sipolo had the ground of proof. With these points Court now make its decision.

#### DECISION

Seeing that the case has been released to be heard by chiefs settlement. This Local Court must submit its decision on the hearing. This Court believe of late Anthony Saru owned the registered part also eastern side to Founaki river, and the disputed area claimed by Joel Iedia Sipolo will be under his ownership. The area are as specified the sketch of the disputed area as point (1) on main road to point (2) westly direction also on main road, down to Founaki river on point (3) junction then follow Founaki river. Westly to point (4) at the junction where Founaki river and Maelana U'uru stream to meet point (1) in the main road.

Right of appeal Exelained.

No order for coast

Today's date 20/11/92 expiry date 20th March 1993.

#### Court officials

Anthony Ramoi	-	Vice President
Joseph Taega	-	Court Member
Julian Fobiloko	-	" "
Philip Silas	-	Court Clerk (K)