

LAND CASE NO: 15/94MLC

DATE: 3rd April 1997.

Name of Land in dispute: AMBU LAND (PART SOLD)

Name of Plaintiff: JACK SIBISOA, NGALISAGORE VILLAGE, WEST KWARA'AE

v.

Name of Defendant: PETER TAPEA, KWAIBALA AUKI, P.O BOX 46, TELEPHONE 46.

DECREE

JUDGEMENT/COURT FINDING

Court find that the West/Central house of chiefs is invalid they were invited to preside on the dispute within ward 2. As chiefs of a different locality are not allowed to preside over a land case from a different ward that the chiefs of ward 36 had presided the dispute on 31/5/95 see Amendment Act 1985 page 1 para 2 Ex - 2.

This chiefs settlement was bias because of the actual time of hearing one of the chiefs to preside the dispute had admittedly been curse into who to favour. The chiefs settlement was wrong in that it relates to a parcel of land under registration known as parcel lot no. 944 and for which chiefs do not have any jurisdiction to nullify its registration. Court finds that the word "BOSS" was used by chiefs of ward 36 and filled both accepted settlement form LC 4 and unaccepted settlement LC Form 3 on 31/5/95. As the Amendment Act 1985 only allows chiefs of ward 2 to preside over this dispute as far as the land Namonako portion is concerned in Ambu land.

Court also finds that the word "BOSS" should be used by chiefs of ward 2 within the locality of the dispute land then the two parties may dispute it in Local Court to find who is the "BOSS" of Namonako portion of land in Ambu customary land.

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Namonako portion of land was not sold by Peter Tafea & Alvin *Ivukalema* but Jack Sipisoa by Agreement. Court also finds that these two parties are disputing the sale of two separate blocks of land known as Namonako and Abero portions. But in this particular case the chiefs of ward 2 and ward 36 tried to settle the sale of Namonako portion to Francis Etefanoa and Benjamin Famauri. This Court found that the word "BOSS" did come about when chiefs of ward 36 tried to settle the dispute over Namonako land between the two parties but not passed or handed down by Principal Magistrate Court (M). Magistrates Court put aside the word "BOSS" for Local Court to interpret it. When this Local Court made an assessment of the chiefs proceeding or settlement forms we found that the chiefs secretary had filled the forms wrongly. He filled both unaccepted settlement and accepted settlement forms at one time on 31/5/95. Which was not followed the setting.

The Local Court Amendment Act 1985. Court also found that the complainant wants this Court to determine the word "BOSS" and make interpretation when hearing the evidences from both parties of their claims of rights and genealogies of Namonako land.

Therefore, this Local Court remitted the word "BOSS" for chiefs of ward 2 to reconsider and filled the correct unaccepted settlement form LC Form 3 and send to Local Court for rehearing of the disputed sale of Namonako parcel of land in Ambu customary land.

No order of costs.

Signed officials: Patrick Maekiria VP *Maekiria*
Joseph Taega *Taega* CJ
G. W Ganita *Ganita* CJ
Lucian Kebai *Kebai* Clerk 3/4/97.