

During the proceedings, the *Defendant* raised some objections. Those objections are contained in a letter by the *Defendant* addressed to the Clerk of the Malaita Local Court. That letter was also submitted to the Court and read in open court during the inquiry hearing. The Court ruled out the objections by the *Defendant* after having given the *Complainant* a chance to respond to those objections. A copy of the written notes to the Court's ruling on the *Defendant's* objections delivered orally in open court is in the case file. That should be read with this ruling as it is also of relevance to the inquiry.

3. The Court inquired into the Accepted Settlement by examining or questioning the *Complainant* and the *Defendant* in open court on questions relating to the Accepted Settlement. The response by the *Complainant* and the *Defendant* to the questions raised by Court is the basis of the ruling of this Court on the *subject* or issue before the Court. The inquiry questions raised by this Court are outlined below:

To the Complainant: Q1. Did you attend the Luma'alu chiefs settlement?
Q2. Did you sign any settlement form?

To the Defendant: Q3. Did you attend the chiefs settlement at Luma'alu of 21st November 2013?
Q4. Did the Plaintiff attend the chiefs hearing?
Q5. Did you sign the Accepted Settlement form of 21st November 2013

The findings of the Court to the inquiry questions raised by this Court to the *Complainant* and the *Defendant* are described below.

C. Findings of this Court to the Inquiry

- i. Plaintiff, Patric Daudau did not attend the Luma'alu chiefs settlement on 21st November 2013. This is confirmed by Gabriel Ramo during the questioning by Court,
- ii. Plaintiff, Patric Daudau denies signing any Accepted Settlement form before the Chiefs at Luma'alu,
- iii. The Chief's hearing is done one-sided as confirmed by Gabriel Ramo, and
- iv. Plaintiff did not sign the Accepted Settlement form of 21st November 2013 lodged with the Local Court (Malaita) on 23rd December 2013.

Plaintiff Patric Daudau is the party hereinafter referred to as the *Complainant* and Gabriel Ramo is the party hereinafter referred to as the *Defendant* to this ruling.



D. Law Applicable

The relevant law applicable in the inquiry into the Accepted Settlement, the issue in Civil Case No. 32 of 2013 and which is the subject of the inquiry before this Court is Section 14 subsections (1), (2) and (3) of the Local Court Act [Cap 19].

Subsection 14(1) states:

“Where, in any dispute referred to the chiefs, a decision wholly acceptable to both parties has been made by the chiefs, the chiefs or any of the parties to the dispute may, within three months from the date of the decision, cause a copy of the decision to be recorded by the local court”

Subsection 14(2) states:

“A copy of the decision referred to in subsection (1) shall be in such form as prescribed in Form II of the Schedule and shall contain the particulars prescribed in that form and signed by the parties and two or more of the chiefs who took part in making the decision.” and

Subsection 14(3) states:

“ Any decision recorded by the local court pursuant to subsection (1) shall be deemed to be a decision of the local court for the purpose of any law.”

Form II in the Schedule to the Local Court Act [Cap 19] refers to or is the Customary Land Dispute “Accepted Settlement” form.

E. Applying the Law to the Facts of the Case

Applying the relevant law to the facts of this case (the findings of the Court to the inquiry), this Court finds that the statutory requirements of subsections 14(1) and (2) of the Local Court Act [Cap 19] are not satisfied. This Court therefore, refuses to record the findings or decision of the Luma’alu chiefs of 21 November 2013 as the decision of the Local Court pursuant to statutory provisions of subsection 14(3) of the Local Court Act [Cap 19] and rules as follows:

RULING

1. The Accepted Chiefs Settlement made by Luma’alau Council of Chiefs of 21st November 2013 is dismissed
2. No order of costs; parties are to bear their own costs

Parties were reminded in open court to see their lawyers or solicitors if aggrieved by the ruling of this court.



Court Officials

Philip Waletobata *Philip* Vice President
Ilita Ilimanu *Ilita* C/Member
Solo Nene *SOLONENE* C/Member
Hillary. D .Fioru *Hillary* Court clerk

Dated 14th Jan 2014

