

IN THE KIRIBATI COURT OF APPEAL ]  
LAND JURISDICTION ]  
HELD AT BETIO ]  
REPUBLIC OF KIRIBATI ]

Land Appeal No. 3 of 2011

**BETWEEN**                      **BIRIKITI BIRIBO FOR FAMILY**                      **APPELLANTS**

**AND**                              **JOYCE LIEVEN**    **RESPONDENT**

**Before:**                      Paterson JA  
   Williams JA  
   Barker JA

**Counsel:**                      *Mantaia Kaongotao* for appellants  
   *Kiata Kabure* for respondent


**Date of Hearing:**                      27 August 2011  
**Date of Judgment:**                      31 August 2011

## **JUDGMENT OF THE COURT**

1. On 30 July 2010, the High Court consisting of the Chief Justice sitting with two magistrates dismissed an application for review brought by the appellant against a decision of a Single Magistrate given on 17 April 2009. The review was brought under section 81 of the *Magistrates' Court Ordinance (Cap. 52)*.
2. The Single Magistrate had determined a boundary dispute between the parties. There appear to have been several adjournments granted by the Single Magistrate at the request of the appellants

who claim that the Magistrate had treated them unfairly in a number of respects.

3. Any appeal to this Court on a land matter can only be on a point of law. None was articulated with any precision. However, the application for review was filed within the prescribed time and the Court considers that the appellants were not given their day in Court despite their delays.
4. Accordingly, the Court remits the application for review to the High Court to be heard on its merits. No order as to costs.



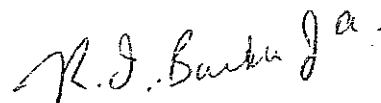
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Paterson JA



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Williams JA



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Barker JA