

**IN THE HIGH COURT OF KIRIBATI
(BEFORE B. SUTTILL C.)**

HCLA 135/91

BETWEEN: TEBEEBEE TERURUAI Appellant
AND N. TAUNO TERURUAI

AND: IOTEBA TERURUAI Respondent

JUDGMENT


This is an application dated 29 October 1991 for leave to appeal, out of time, a decision of the magistrates made in C/N 35/74 on 13 September 1974.

The applicants were not parties to the case in which the decision was made. They cannot therefore appeal it. The applicants say that the respondent should not have been registered on Teruruai's land alone as they are the respondent's sisters and entitled to a share.


In order to establish this they must institute fresh proceedings against the respondent in the court of first instance in land causes and matters, that is the magistrates court. The matter cannot be dealt with by way of appeal.

The appeal is incompetent and leave to appeal out of time is refused.

All parties appeared in person and the implications of this judgment have been explained to them.


Tekaie Tenanora
Magistrate
(16/5/91)




Betero Kaitangare
Magistrate
(16/5/91)