

LAND APPEAL NO. 5

Appellant: Detabua

Judgement

The Appellant has admitted that the Central Court in Land Appeal No. 7 of 1963/64 determined that Eidagatouwe had only a life interest in the land Atebuae, portion 217, Nibok. Although his appeal is against the determination of the Nauru Lands Committee relating to the ownership of that land following Eidagatouwe's death, he is in fact seeking to have the determination made by the Central Court in 1963 set aside. Indeed, unless this is done, his appeal cannot succeed since his claim is based on being a lineal descendant of Eidagatouwe.

The appeal was presented by the Appellant virtually as an application to set aside the judgement of the Central Court on the ground that the proceedings in that Court were unfair. As there are no qualified legal practitioners in private practice in Nauru, most Appellants lack knowledge of the proper way to seek legal remedies in the Courts and for that reason I should be willing to treat this appeal as an application for leave to appeal out of time against the earlier determination if this Court had the jurisdiction to entertain such an application. However, in view of the provisions of Article 88 of the Constitution the judgement of the Central Court has effect as though it were a judgement of this Court; ~~these~~ being so this Court cannot entertain an appeal against it.

The appeal is therefore dismissed and the Committee's determination confirmed.

May, 1969.

Acting Chief Justice.