

JUDGEMENT.

The Court had examined every point carefully from all the statements that had been given concerning the judgement of this land case. According to the Court finding, all the statements both from the Plaintiff and Defendants including their witnesses, that some of the statements have the stronger terms of evidence that enables the Court to prove its findings concerning this case. Also some of the statements are just criticisms and this should be dealt separately as criminal issue if any of the parties may wish to do so.

The main problem of an argument between the two parties (Plaintiff and Defendant) was that both parties have claimed of the two oldmen known as Timonile and Burare. The Court therefore wish to obtain a true and a provable evidence as to whom those oldmen were belong to. Unless these oldmen were proved to be any of the parties the land itself couldn't be settle.

The strong evidence which the court found to be true and provable was that from Defendants witnesses had mentioned or confirmed to the Court that they saw their Great grandfather Burare. Not only they saw him but they stayed with him and they heard what Burare had told them about the Binu land. One of the Defendant witnesses also mentioned that he saw Burare Burning of Sacrifice to his heathern God. Defendant witness also stated that he burned the ashes of a sacrificing place when the Church came.

According to the Plaintiff statements there were no provable statement to support his claim concerning the two oldmen or even the land itself. To enable the Court to get provable evidence, both parties were asked to produce their table of Ancestors (Family tree) and from that the Court should prove as to whom the land should be entitle to.

Comparing the two Genelological table of the Defendant was satisfactory because from his table of Ancestors he was the descendant from Kali. Kali was originally from Binu land. See table of Ancestors which the Plaintiff produce.

Having examined the tables of Ancestors the Court will then consider of a decision according to the table of Ancestors which both parties produced.

DECISION

1. Mr William Manedetea is the owner of Binu land because he was the descendant from a woman called Kali. (West side of Balisuna River).
2. Mr Celestine Kulogoe is the owner of East side of Balisuna River, (of the same part of that land)

S. PALUA
PRESIDENT

24/5/82