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MARAU/BIRAO/LONGU/VALASI LOCAL COURT

NO: 35/83

Civil Case held at Manikaraku

Date: 8/8/83

BEFORE: L. Sutaimane - Vice President
P. Pilipa - Justice
Melekiore - Justice

PLAINTIFF: Kanai of Hautahe Village

DEFENDANT: Joel Kikolo of Vunivatu Village

STATEMENT OF CLAIM: About Raukai Paddock. ⁸¹ Kanai take Joel Kikolo to the Court because he wants to take over half or part of it. That paddock it was planted by my mother (Tatao) and his father (Joe Marovo)

PLEA: Liable?

PLAINTIFF SIDE: KANAI SAYS

"I take Joel Kikolo to this court because he wants to take over one part of my paddock, which my mother Tatao and his father Joe Marovo planted it. I do not allowed Joel Kikolo to take it because that piece of land it was belongs to me, and before we plant coconut there myself and mother Tatao made a garden there on year 1964. During that year J. Kikolo's father try to plant coconut but my mother stopped him not to plant that place and both of them argued about it after their arguing both made an agreement for planting for their children and not to dividing it before she just allowed Joel Kikolo's father to plant coconut with her.

PLAINTIFF'S WITNESS KORASIARA EMA (F) SAYS

"Yes I know about Raukai paddock. Because I married Joe Marovo before he plant that paddock with Kanai's mother -- when they plant it both of them made agreement as Kanai said not to devide it but it must stayed as it was for their children just to take trip for cutting their copra of both side.

DEFENDANT SIDE: JOEL KIKOLO SAYS

"I wants to take back the part of paddock which my father was planted it because when he alive he already show me the spear-line between his and Kanava's mother's coconut trees and also he did not tell me anything about agreement as Kanai and his witness said. I do ~~not~~ want my father's part of paddock must come back to me because my father's property.

JUDGMENT

The Court found that Joel Kikolo cannot take back the coconut trees were his father planted them because that Land it was belongs to Kanava's mother, Tatao. And also she did not allowed him first time when he stayed to plant it and argued about it, until Joe Marovo made agreement with her to plant it for their children.

DECISION

The Court ordered Joel Kikolo not to take back that part of Paddock as he wish. It must stay as it was because of the agreement which they has made and also the land it was theirs. And if he did not agreed with these decision he can appeal to the Magistrate within 30 days and pay \$2.00 for his appeal.

L. SUTAIMANE
VICE PRESIDENT

P. TAUPONGI
COURT CLERK

So he wish to appeal and paid \$2.00 and gave his reasons which he appeal for to the Court Clerk

Fee - \$2.00

R. No. 36858 (paid)

date of his appeal 28/8/83

HERE ARE THE REASONS:

1. I am not agreed with what Native Court judging said that Kanai take over the paddocks including the half part of father was planting it.
2. The appeal I am take up is for only the half part of that was my father do planting it. I do want this paddock must dividing into two parts - Mrs Tatao part must go back to Kanai, Mr Joe Marovo part must come back to me Joel Kikolo
3. Therefore the agreement which brought up said in Native Court that Kanai was said that Tako and Joe Marovo, my father did not told me about, only he show me spearline in what he have, and Tatao had. And if anything like agreement for about that paddock of coconut, duddy will tell me, and I might not involve, I am not best with agreement. I do best with blood.

QUESTION: What is great than blood and agreement.

Agreement is only work which was just like voice. The paddock was planted in year 1962; not 1964 like Kanai has said in court. Raukai paddock plant in the month of February 17th 1962.

WITNESSES:

Kanai's witness was not true, after court hearing that matter, the woman Ema Koresiara was declare herself that Kanai was pass her to be a witness (faults one) or make up witness. Now what I am do said I want the part half of which my father plainting must return to me.