

IN THE MALAITA LOCAL COURT

LAND CASE NO. 14/94

DATE: 12/1/94

Name of Land in dispute..... PUNIU HALESAUMA

Name of Plaintiff: MR. SIMAIMA AILII OF LUANIUA
MR. HUGA KELANA OF LUANIUA VILLAGE.....

V.

Name of Defendant: MRS. LAISE AULA OF LUANIUA VILLAGE
MR. PATTSOON HELAVA OF LUANIUA VILLAGE
MR. EDWIN KAKOI OF LUANIUA VILLAGE.....
MRS. MATHA KAUKA OF LUANIUA VILLAGE

DECREE

JUDGMENT:

Court looked through the plaintiff's statement and that Mrs. Simaima had clearly declared her appeal that she was only interested to appeal the small piece of land below Keise's house; Mrs. Simaima said that, that land was taken by Kapei, and Kapei was the grand grand father to both parties, Kapei took the land from the hands of Akio, Akio was her father's great grand father, and Kapei took the land because he was very strong, and powerful man. She also said that because Mrs. Laise stopped them not to climb any coconut, so she wanted fight back her father's great grand father's right from Akio the right man to that land.

The plaintiff's witness Mrs. Maria Keise also said clearly that, the piece of land which was below her house was taken only by power of force, Kapei used his power to take that land by force only. The defendant, Mr. Patteson Helava had stated that the Aimarau land is not a land taken by the power of Kapei, it is a plot of land below Kemaini household and it is known as Kulakohi. Plaintiffss also stated that, it had been divided in the olden days that the male line can only take what they suppose to take with them wherever to move to, but the female to control the properties which they should control and stay still in the household for all of her life; he also declared that they all come from HONE, their grand father's father, the owner of the land.

The defendant's witness Mrs. Sarah Heia; had clearly stated that Hone was from Kemaini household, and the land was owned by Hone, and Hone was the grandgrand father to both disputed parties, as according to the family tree she told in her statement.

The Court witness 1 Mr Thomas Kumuli stated very clearly that he was there with his father, and he saw both parties climbing coconuts in the area near the sea, and he also said that there was house between Kemaini household and the area they climbed near the sea he also warn both parties to be careful because he was

It is ascertained that there was a household right on the place where Keise's house was.

No 2 Court witness Mr. Daniel Kapei told the Court that his land was spearline to Alalo's land and again, he said that it was Lepau, the plaintiff's father who planted the coconuts tree on the land.

No 3 Court witness also stated that her father told her that there were two houses below their household - Kemaini. One house was at Keise's house and it belong to Arae and the second house at next to Keise's house and it belonged to Lepau, and looking through the survey, the Court had really found that there were some other land or household with some properties such as bush gardens belonging to those household in the area which the defendant claim, there were some strong points which we find out from their statement but we Court asked the house of chiefs to produce in and tell us the proper land which the chiefs tried to resettled, but the chiefs respond was that, they did not settle the dispute properly because when they to survey te land, the chiefs were not working together, those who relate to the defendant side followed the defendant side and those who related to the plaintiff's side stand on their side And also they said, the chiefs decision was not really clear.

Because of all these points, we Court members were afraid that, we might also cause more quarrels and dispute to those who living in the land next to Kemaini.

DECISION.

Court ordered that this disputed land known as Puniu Halesauma to return to the house of chiefs for a proper settlement.

ALLEN BEN ALEKA	(VP)
INI PAIA	(M)
RAYMOND PAIPI	(M)
WELSHMAN MULILOA	(CLERK)