

IN THE MALAITA LOCAL COURT

LAND CASE NO. 7/96

DATE: 24TH SEPTEMBER 1996

Name of Land in Dispute: RONOAKOA AND TAE BOUNDARIES.

Name of Plaintiff: JEZERIEL IDU OF KONA VILLAGE, WEST KWARA'AE

V.

Name of Defendants: ALLAN SIRU OF MAGE VILLAGE, WEST KWARA'AE

DECREE

JUDGEMENT/COURT FINDINGS

Court finds Ronoakoa/Tae boundaries on the 26th September 1996 the first thing both parties did was argument over which of the two streams was the declared stream as the main boundary line between the disputed lands. The main reason of argument was centred on the plaintiff put a different stream as Aurade and the defendant put Aurade stream of a totally different stream.

In the Court house both parties agreed on one stream Aurade which commenced from its source down to sea shore. After much argument over the Aurade stream the Court had made a decision to survey both streams and made its opinion in line with what had been recorded in the previous cases in which both parties agreed and the survey proceeded with J. Idumae and brother lead the way. Idu and brother showed Aurade stream and not far as 60 metres was Rafurafu stream. What Idumae and brother claimed as Aurade was a dry water cause which they claim that the public road blocked the running stream. On proceeding further down the what they claimed as Aurade stream dried up and was more of a catchment area rather than a stream. In Court they, the different declared that Aurade stream runs down to sea shore but in this survey Aurade $\frac{3}{4}$ way down to sea shore there was no running water course but rather a dry water course.

On surveying Aurade stream Idumae showed the log which was pulled by his group. Which caused the argument and resulted in this Aurade boundary dispute. Mr. Allan Siru then told the Court to inspect the Fata tree which was milled by Idumae and

concerned \$50.00. Not far from here is Fatarakwasi at the mouth of Aurade stream in which Idumae claimed. Here Allan Siru and Idu agreed as Rafia which once upon a time an European rented this area.

After this the Court party and parties proceeded Aurade stream which was claimed by Allan Siru. Siru then lead the Court party to his claimed Aurade. The stream was a real water course which this Court agreed with the term stream. On the way up to the main road walking closely near the stream cocoa development belonging to the plaintiff restricted to the southern side of the Aurade stream and development belong to the defendant such as cattle project belong to Luke Maenia restricted northern side of the Aurade stream which reflects main boundary that divides Babalikona and Ronoakoa/Tae lands.

Court also found that both parties had disagreed with what each party mentioned and experienced but the Court insisted that areas of proves must be quoted in assistanow to its survey. This Court during survey saw that the stream which Allen Siru claimed was seen by this Court as realistic and believeable.

According to case No. MC/6/52 of 15/12/52 the Court stated that Babalikona was bounded by Kwaisatalua river the Aurade stream the sea shore the mouth of this two rivers and the last boundary is Gwaulu river which joins Kwaisatalua river and Aurade river together in the bush.

To prove further as to whether Idu milled the trees in Ronoakoa or Babalikona this Court took an extract from the judgement of case No. MC/6/52 page 10 quote something about Rafia which both parties admitted where a Fata tree was milled by Idumae as finally therefore, this Court finds that the piece of land known as "RAFEA" is within the boundary of "BABALIKONA".

There was also a survey on this boundary done on 28/12/90. Case No. 15/12/90 ordered by High Court and the boundary showed by Allan Siru was surveyed as the the very Clerk of this case was among the survey party.

DECREE: The area which Mr. Jezeriel Idumae claimed as milling trees in Rongoakoa land was not true but in fact in Babalikona land. Therefore, Jezeriel Idumae's claim was dismissed.

No order of cost. Right of Appeal Explained within 3 months from 27/9/96 to 27/12/96.

Officials signed: A. Ramoi AVP
G. W Ganita CM
T. Nagwa CM
Lucian Kebai Clerk (M)