

LAND CASE NO: 11/96/MLC

DATE: 21st January 1997

Name of Land in dispute:..... OBA LAND

- 1) IGINI of GWAUNASU VILLAGE, NORTH MALAITA
- 2) BILLY ABUINAO " " " "

Name of Plaintiff:.....

V

Name of Defendant:..... MAETOA OF ST. MARTIN TENARU, HONIARA

DECREE

JUDGEMENT/COURT FINDING

Court finds that the two parties stem from two different genealogies of Furiu the beginning. That IGINI descended of KUKUFANUA heirs of all through female AFUNARII(f). Mr. Maeto descended of Bulitha Ano heirs of NGARAFANUA through female FAKAE.

Court also finds that Mr. IGINI claimed OBA a tribal land situated within KWALIKAUMANU. In chiefs panel IGINI stated his devil KUKUFANUA inhabited OBA land until he came out of female Afunarii(f). IGINI defended his grandfather OIRAMO did not take part of the civil war raided OIANA led by chief warrior Filiai of Alite tribe.

Mr. Maeto claimed that Oba is a portion of land within Tafiio tribal land. That IGINI claimed his tribal land owned by his grandfather Oiramo. Which his grandfather took over Oba after the civil war which Filiai of Alite and Oiramo of Kwali/Kaumaru killed Oiana men.

Mr. IGINI denied his grandfather Oiramo did not take part that Maeto's men came to attend custom feast at Otairamo made at Faunia and Matanganitale tambu site. Court finds that Maeto claimed he descended of Furiu through Bulitha Ano and has 19 generations this was in chiefs panel. Now he has 20 generations traced in Local Court. Mr. IGINI traced his generations in chiefs panel started at Abunaoli and has 19 generations then in Local Court he has 22 generations started from Furiu the beginning. Court has confusion of the two starting both parties claimed of genealogies. These 22 generations had owned six (6) tambu sites in Oba land while Maeto has his own tambu sites

in Tafiio land. Gift of portion of properties in Oba land Otonaroba gave Luebuiu portion to Aebaba and ngali trees second gift by Otonarobo to Aebaba were two ngali trees ngali Ifurabu and Ngalifiuongi trees.

Daniel Maeto told Court that all these gifts of portin of land and ngali nut properties done on Oba land it is a part of Tafiio Oiana land. Court also finds that the spokesman Abuinao was talking about his own tribesmen of Gwaunakwao, Tufu came to settle in Hote Konai's tribal land.

Court also finds that Maeto trace Igini descended of Ba'agali of Sikwa'asi went to live at Kwanaai then Baagali followed Fiutoa to Tafiio and settle at Fuliatheathe in Tafiio land. Then Baagali asked Aramu to make his new settlement at Oba portion. Baagali married Angisuliau(f) the daughter of Laubasi then generations branching out from Angisuliau to Ignini is 11 generations.

PW1 - JOHN KONAI told Court that both Maeto and Igini arrived to him in Hote tribal land. He agreed that Sao escaped the civil war and went to live with him later came back to Oiana land in Tafiio.

PW2 - ABAFANUA told Court that Oiramo of Oba did not take part of the civil war killed Oiana but Filiai & Utarara of Alite tribe killed Luka, Eda'au and Toininina of Oiana male house.

PW3 - BAKELOA of Kwaitau village told Court that he blood related to Oba land following the woman Lifunaosi(f) the daughter of Bualoga of Oba she married Ianakwao of Loketa tribe. Bakeloa have gifts of three ngali nut trees to grandfather GAOFANUA and second gift of 2 ngali nut trees to ABANAFTELO his grandfather.

PW4 - OFAIRARA stated that he had seen maeto's men attending custom feasts at Fauilia and Matanganitala tambu sites. These were Otairamo's feasts.

- IN CONTRAST -

Mr. Maeto stated Bulithaano descended from Furiu and settled at Kwanarara begot 2 sons (1) Waliu (2) Ngarafama. Ngarafama settled at Bulialo and divided the lands Kwali Kaumamu (2) Kwali Bubulu (3) Kwilibuteasi.

Court also find that Maeto claimed Oba is a portion of land in Tafiio which he and Igini blood related to Oba. Igini claimed Oba covers other tribal lands like Kwali Kaumamu, Takwerowane and Alita.

Court finds that DW1 - Waneta'a gave no supporting evidence to Maeto but traced his own generation of Furiu but not connecting with defendant or plaintiffs. DW2 - Bualo stated that he came to settle in Tafiio and knew

the killing of Oiana men that Sao escaped to Hote then later returned to Oiana when Lukea gave compensation to Filiai. Buaalo also mentioned the civil war and compensation he had seen happened in Tafiio land.

Court also finds that spokesman Billy Abuinao said that Buanikwao adopted Dilifamua with his son Oiramo in Kwali Kaumaru tribe. In Oba generation Otairamo gave Oba into the hands of Otalaungia. In custom handing over of land is a important thing in life and this can be done during custom feast (ceremonial feast).

During surveying of the disputed Oba Court found that Oba is a portion of land within Tafiio tribal land. Court finds that within the disputed Oba areas both parties have owned many ngali nut trees.

The boundary lines of OBA disputed areas -

Starting from Susuifau head lines goes east along Thauthaugeloa hills passing Firiakalo tambu site corner at Gwaunaweo. From Gwaunaweo goes down north to Alagwauri goes up northwest along Bole river to its source followed Otethamo valley to Susufau again.

DECISION - Both Igini (plaintiff) and Daniel Maeto (defendant) and clans have the equal rights over Oba portion in Tafiio tribal land.

Right of Appeal Explained. 30/1/97 to 30/4/97.

Signed officials:

J. Iroilalo	VP
G. Waneai	CJ
Brown Tolido	CJ
Lucian Kebai	- Clerk 30/1/97

