

IN THE HIGH COURT OF THE COOK ISLANDS  
HELD AT RAROTONGA  
(LAND DIVISION)

CA 7/93

IN THE MATTER of an Application to the High Court for an Order Granting Leave to Appeal pursuant to Section 60 of the Cook Islands Constitution Act 1964 as amended by Constitution Amendment (No. 9) Act 1980-81 and Section 54 of the Judicature Act 1980-81

AND of a Judgment of the High Court given by Dillon J. on 26th June 1993 upon an Application for Revocation and Substitution of Succession Orders to the High Court by Mii Matapo ("the judgment")

BETWEEN MARU NGANU AND OTHERS  
Applicant

AND MIIMETUA MATAPO  
Respondent

Hearing: 6 August 1993  
Mr Lynch for applicant  
Mrs Browne for Respondent  
Judgment: 13 August 1993

JUDGMENT OF ROPER CJ

This is an application for an order granting leave to appeal against an Order of Dillon J of the 26th June 1993 in which he revoked a number of Succession Orders and made orders in substitution which had the effect of increasing the number of persons entitled to succeed.

In his affidavit in support the applicant has referred to a number of grounds which he claims justify an order granting leave. I have serious doubts about that, but Mr Lynch submitted that in any event the applicant has an appeal as of right pursuant to Article 60(2)(c) of the Constitution which provides an appeal as of right where the matter in dispute "is of the value of \$400 or upwards."

Mrs Browne submitted that there was no specific evidence that the matter did involve a value of \$400 or more having regard for the number of owners having an interest in the lands in issue.

Dillon J's order was made in respect of seven sections in Avarua and I understood from Counsel that further sections may be involved. It would be an expensive exercise to establish with certainty the amount in issue. I think it reasonable to infer in the circumstances, having regard for the amount of land <sup>involved</sup>, that the amount in issue would reach the modest sum of \$400.

Leave to appeal is granted with security fixed at \$4000 to be found by the 17th September 1993.

