

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

APPLICATION NO. 8/2013

IN THE MATTER of Section 390A of the Cook
Islands Act 1915

AND

IN THE MATTER of the land known as
**ANGATUAPORA SECTION
347, TARAFAO, AITUTAKI**

AND

IN THE MATTER of an Application to rehear the
Order Granting Right of
Occupation to **TAMARI T.
KAIVANANGA**, made on 20th
April 2012

BETWEEN **TEVA ROBERT MATAI
SIMIONA**, of Aitutaki,
Landowner
Applicant

AND **TAMARI T. KAIVANANGA**,
of Aitutaki
Respondent

Date: 1 August 2017

JUDGMENT OF HUGH WILLIAMS, CJ

[WILL0312.dss]

[1] This, as the minute of Weston CJ dated 21 September 2016 records, is an application under Section 390A of the Cook Islands Act 1915 filed on 16 August 2013 with submissions and a supporting affidavit.

[2] On 25 July 2014 the former Chief Justice issued a minute requesting proof of service on the Respondent and his minute of 21 September 2016 records the registry advising the former Chief Justice that Mrs Browne for the Applicant was notified of that direction.

[3] Despite the former Chief Justice's direction, no further steps had been taken and, as a result, in the minute of 21 September 2016 the Applicant was directed to take further steps within one month of the date of the Minute with the Chief Justice recording that "failing such steps being taken, the application is to be regarded as having been abandoned and the Court file may be closed".

[4] A copy of Chief Justice Weston's minute dated 21 September 2016 reached the present Chief Justice on 18 July 2017 (New Zealand time) together with a copy of the file. The file showed that no action had been taken by the Applicant since the Chief Justice's minute, indeed, the Court's minute sheet shows that the Applicant has taken no steps in the proceeding since 11 September 2013.

[5] In those circumstances, the appropriate course is to follow the minute of 21 September 2016, declare Application 8/2013 abandoned and direct that the Court file be closed.

A handwritten signature in black ink, appearing to read 'H Williams', written in a cursive style.

Hugh Williams, CJ