

TABNORTH HIGH COURT SESSION  
BEFORE HON V.D. MAXWELL C.J.

HCLA7/88

BETWEEN: T. TENIEU & BROS & SISTERS Appellants  
AND: TAU KORIRI MAIKURAKE Respondent

Heard on 14th  
October 1988

JUDGMENT

This is an appeal with the leave of the Chief Justice. The appellant on 28th January 1988 wrote to the Chief Justice. His letter reads as follows,

"Please,

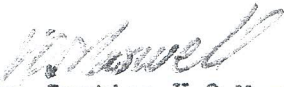
With respect I would like to apply for leave to appeal for my brothers and sisters who are the grandchildren and sisters of Taukoriri Maikurake.

I, with my brother and sister ever received a summons from the Magistrates before allowing the sale of land by Taukoriri Maikurake who is not the only owner as it belongs to him with his brother and sister whose names are Takirere Maikurake and Nei Eritabeta Maikurake. It is admitted that Taukoriri Maikurake has no children he is about 60 years old.

Please review the decision of the Magistrates Court Lands and may leave be granted in respect of failing to file an appeal within the 21 days due to the unpresentation of summons to attend court."

It is because of this letter that the appellant was granted leave to appeal. Unfortunately the records of the case cannot be traced.

In view of this we order a retrial of the case and strike off the appeal.

  
The Hon Justice V O Maxwell  
CHIEF JUSTICE

17.10.88

  
TOKA TIBAU

17.10.88

  
BETTERO KAITANGARE

17.10.88