

IN THE HIGH COURT OF KIRIBATI
(BEFORE THE HON F MUHAMMAD C.J.)

HCLA 57/90

N. KAAI KABUAUA

VERSUS

BURERA KATOKITAA

J U D G M E N T

This is an appeal against the South Tarawa Magistrates Court Lands decision in case No. 8/90 held on 3 February 1990 determining the boundary between the lands of the plaintiff and of the defendant.


The Magistrates judgment reads as follows:

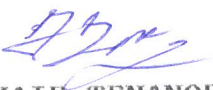
"Court confirmed the boundary which had been erected by former Court".

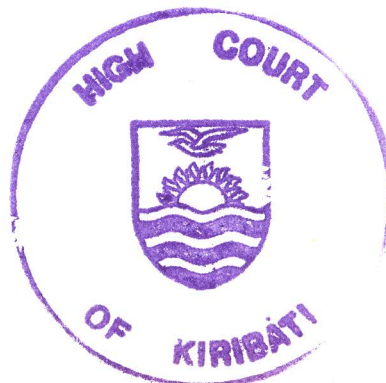
They did not say when the former boundary was fixed but according to the respondent there was a boundary determination in 1983.


The appellant in her grounds of appeal said that the original boundary was wrong. Now she claims there was no such boundary or it had been destroyed. If she was unhappy about the original boundary determination then she should have appealed against that decision and there is no reason to complain about the decision of 1990 which merely confirms the previous boundary.

We dismiss her appeal and confirm the decision of the Lower Court.


THE HON F MUHAMMAD
CHIEF JUSTICE
(06/10/92)


TEKAIE TENANORA
Magistrate
(06/10/92)




BETERO KAITANGARE
Magistrate
(06/10/92)