

IN THE HIGH COURT OF KIRIBATI
(BEFORE B SUTTILL C.)

HCLA: 6/90

BETWEEN: TEAWAKE BWEBWEN TEKAI Appellant

AND: N. RITA TABAIA Respondent

J U D G M E N T

Neither party is present here today. The respondent has been served through her son. However she is believed to be living on Nauru at the moment.

The appellant is reputed to be on North Tarawa but attempts through the Court Clerk Abaokoro to locate her have failed.

The notice of appeal was filed on 14 December 1989. The case was called on first on 6 October 1992. On that occasion both parties were properly served but neither appeared. It would have been proper then to strike this appeal out for want of prosecutions but this was not done.

The case was relisted for 23 October 1992 but only the appellant appeared. There are no affidavits on file as to service on either party.

Thereafter, as with many High Court Land Appeals, the matter disappeared into oblivion.


Regarding the results of recent attempts to bring the parties to court it appears to us that they have, quite justifiably, lost interest. That being the case the appeal is struck out for want of prosecution.



B. SUTTILL
Commissioner


TEKAIE TENANORA
MAGISTRATE
(1/2/96)




BETERO KAITANGARE
MAGISTRATE
(1/2/96)