

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

**HCLA 38/1990**

**BETWEEN:           BAKAREWE AROITO           Appellant  
                          AND OTHERS**

**AND:           TIROKAINGA KAUABA           Respondent  
                          AND OTHERS**

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**J U D G M E N T**

This is an application dated 23 March 1990, further supported by a notice of motion dated 9 November 1992 seeking leave to appeal a decision of the magistrates made in 1955 in case No 107/55.

The applicant was not a party to the proceedings in 1955.

Mr Berina, for the applicant today, rightfully concedes that the applicant has no locus standi to appeal and seeks to withdraw the application.

Leave to withdraw the application is granted and leave to appeal out of time is refused.



**B. SUTTILL  
Commissioner  
(29/2/96)**

  
**Tekaie Tenanora  
Magistrate  
(29/2/96)**



  
**Betero Kaitangare  
Magistrate  
(29/2/96)**