

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

HCLA 42/1990

BETWEEN: BEBEKU TEIA - Appellant
AND: ABANATEATU IBEATU - Respondent

HCLA 4/1994

BETWEEN: ABANATEATU IBEATU - Appellant
AND: BEBEKU TEIA - Respondent

J U D G M E N T

The magistrates, in BA 62/90 proceeded in the absence of the appellant. It appears he had a reasonable excuse for his absence. It also appears that he has an arguable defence to the claim.

The matter should be reopened and the magistrates should consider his defence. In our view this is more of a land matter than a matter of simple contract and should be heard by a Lands Court of 5 magistrates.

The appeal in HCLA 42/1990 is allowed and the case is remitted to a Lands Court for hearing de novo as to whether the subject land was a gift or a purchase.

The appellant in HCLA 4/1994 was the previous respondent and vice versa. He sought to evict the respondent from the subject land. The respondent's name is registered as owner of that land and consequently the magistrates declined to evict him.

Bebeku Teia is registered as owner as he would be whether the land is a gift or a purchase and it only remains to be decided whether or nor he owes the balance of a purchase price. His right to be registered on the land is not in dispute. It follows that the appeal in HCLA 4/1994 is dismissed.



B. SUTTILL
Commissioner
(19/3/1996)



Tekaie Tenanora
Magistrate
(19/3/96)



Betero Kaitangare
Magistrate
(19/3/96)