

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

HCLA 4/1990
HCLA 45/1991

BETWEEN: EKUETA IEREMIA Appellant
AND: N. EKEMAU TOURAKAI Respondent

J U D G M E N T

The appellant is appealing two decisions of the magistrates court, namely 444/89 dated 16 October 1989 and 54/91 dated 30 January 1991. In the first case he was ordered by the magistrates to remove his pig pen and local house from the respondent's land and in the second case he was ordered to cease building a sea-wall on the respondent's land.

A portion of the appellant's store is also on the respondent's land but the respondent tolerates that.

The magistrates found, in both cases, that the offending constructions were on the respondent's land by virtue of a boundary determination in C/N 22/1988 which determination had erected a boundary stone to mark the boundary. The appellant's predecessor in title was present at that boundary determination and the decision therein has never been litigated.

That being the case there was little the magistrates could do in 1989 and 1991 but make the orders that they did.

Mr. Berina for the appellant appreciates that this must be the case and seeks leave to withdraw both appeals.

That leave is granted and both appeals are dismissed.


Tekaie Tenanora
Magistrate
(6/6/96)




Betero Kaitangare
Magistrate
(6/6/96)