

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

HCLA 56/1991

BETWEEN: SIAUFISI KIRIMAU
SAKILI KIRIMAU
KAIPISA KIRIMAU

Appellants

AND: MOEVASA BAINA
ALEFAIO KIRIMAU

Respondents

J U D G M E N T

The applicants were not present today. Strenuous efforts to locate them for the recent session at Abaokoro and for today's hearing have failed. The respondent is present today in person.

This is an application by notice dated 27 March 1991 for leave to appeal out of time a decision of the magistrates dated 10 April 1985 in C/N 42/85.

The applicants were not parties to C/N 42/85, and although that is part of their grievance, they cannot therefore appeal the decision in it. Their remedy is to sue the parties in C/N 42/85 in fresh proceedings in the magistrates court. We would explain this to them if they could be located.

The appeal is incompetent and the presence of the applicants would not greatly increase the chances of leave to appeal being granted and it is accordingly refused.



B. SUTTILL
Commissioner
(11/6/1996)



Bitiare Eker
Magistrate
(11/6/96)



Tooki Kaake
Magistrate
(11/6/96)

