

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

HCLA 103/1991

BETWEEN: IOANE TAUKABAN
TERAIM TAUKABAN Appellants

AND: MANGA TEMAKE Respondent

J U D G M E N T

The respondent owns pit number 1686 and the appellants number 1685. The appellants believe that their pit is that claimed by the respondent.

The magistrates were satisfied that the pit used by the appellants was the one owned by the respondent and that the appellants were confused as to which pit was really theirs. The magistrates accordingly issued an injunction to restrain further use of the respondent's pit by the appellants.

We are in no position to say that the magistrates findings were wrong, particularly as the appellants were equally confused before us.

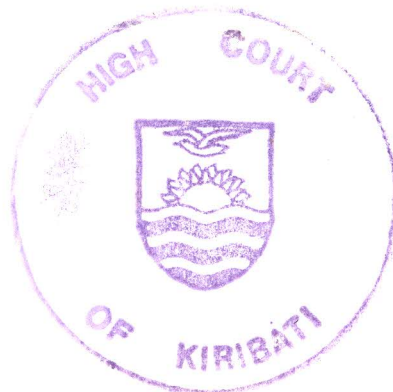
The appeal is dismissed and the injunction is confirmed. The appellants are warned of the penalties attached to disobedience of an injunction.



B. SUTTILL
Commissioner
(16/5/1996)



Tekaie Tenanora
Magistrate
(16/5/96)



Betero Kaitangare
Magistrate
(16/5/96)