

REPUBLIC OF NAURU
IN THE SUPREME COURT

Civil Suit No. 02/2005

BETWEEN	DETONGA DEIYE & ORS	PLAINTIFFS
AND	INTERNATIONAL ORGANISATION FOR MIGRATION	1ST DEFENDANT
	NAURU PHOSPHATE CORPORATION	2ND DEFENDANT
	AUWOG ABEMAMA AND ORS	3RD PARTY

P. Nimes for Plaintiffs
L. Keke for 1st Defendant
R. Kaierua for 2nd Defendant
Reuben Kun for 3rd Party

Hearing date 28 November 2005


INTERIM ORDER

Upon undertaking a view, and hearing the parties with respect to the area rented by the First Defendant, the Court determined that the area rented under the sub-lease between the Second Defendant and the First Defendant signed on 8 December 2004 was that area surveyed and designated by the Director of Lands and Survey in Exhibit A, Sketch 5.

On the evidence of the First Defendant, the amount of rental money withheld under Court order of 11 February 2005 is \$60,000, and under a Court ruling this amount is now available or distribution once ascertainment is made of the landholders entitled to a share and the amount. The Court, therefore Orders the following procedure:-

1. The amount of withheld rent, namely \$60,000 is to be distributed proportionately in accordance with the entitlements arising from portions participating in Exhibit A, Sketch 5.
2. The Director of Lands and Survey is to ascertain the landowners participating in accordance with Exhibit A, Sketch 5, and in the amount to be distributed to each according to the proportion of the landholding under the lease and each one's share of that portion.

3. Once the Director of Lands & Survey has completed the ascertainment in accordance with paragraph 2, he is to send the detailed papers to the First Defendant's counsel, Mr Keke.
4. Mr Keke for the first defendant is to then call a meeting of the legal representatives of the Plaintiffs, Second Defendant, and Third Party for the purpose of reaching agreement on the distribution. If other parties, other than the present litigants, are represented in the distribution, a representative or representatives of such a group or groups should also attend this meeting.
5. Once agreement has been reached, the papers outlining the distribution in detail should be signed and dated by all parties and forwarded to the Chief Justice's Chambers in Melbourne.
6. Upon inspection of the papers and the agreement reached, the Chief Justice will discharge the injunction of 11 February 2005, and order distribution from the first defendant to the landowners within a period no later than fourteen days from the date of the order discharging the injunction.
7. This procedure order to be served on the parties and their legal representatives and also upon the Director of Lands and Survey.
8. Liberty to apply.


Barry Connell
CHIEF JUSTICE

Dated: 29/11/0

