

JUDGMENT

The Appellant JOHN MITI appeals against the Decision of Tasimboko Local Court on TIUA Land. This Court is advised to hear and determine the question of whether this appeal was lodged in time. If it was, the Court shall proceed to hear the appeal if not it shall order dismissal.

The record of the Court below records 25th June 1981 as the date it heard and determined the case, there is no other date given. The Respondents unanimously gave 25th June 1981 as the date the case was decided but that it was first heard on 18th June 1981 and then 22nd June 1981 when the land was surveyed.

The Appellant argued before this Court that the date 25.6.81 was incorrect. He stated that the case was heard and decided on 16.7.81. He added that he is supported in this by letter from Timothy Tangitonga the 6th Respondent dated 28.7.81. The Appellant submitted his appeal on 15.10.81 which is within 3 months from 16.7.81 and outside from 25.6.81. After having heard the witnesses and considered the evidence on appeal we find as follows:-

- (a) that there were no proceedings before the Tasimboko Local Court in July 1981 let alone June,
- (b) that the Appellant an unsatisfactory witness
 - (i) because he said Charlie Oliver won Gold Medal for the 800m distance during South Pacific Mini Games on 14.7.81. This is incorrect.
 - (ii) all the Court Members (present Respondents) attended the Minigames.
- (c) date of Decision was 25.6.81 and not 16.7.81

We are therefore satisfied that this appeal was lodged into Court AFTER 3 months the normal period allowed for an appeal

ORDER: Appeal dismissed.

DATED AT HONIARA THIS 14TH DAY OF MAY, 1982.

signed
JAVEN BABAUA
President

signed
DOMINIC ALEBUA
Member

signed
STANLEY SAHOREHANA
Member

signed
SAVINO LAUGANA
Member

signed
BENJAMIN E. RAKAFIA
Secretary