

NGELLA LOCAL COURT LAND 4.90.

JUDGEMENT

This was a dispute of ownership over Tabunagu Land between Paul Gegere (plaintiff) and Henry Vovoke (defendant). This case was first heard by the house of chieives on 11th October 1990 and the plaintiff has not satisfied and so he brought up this case before the Ngella Local Court to comply with the Local Court Amendment Act 1985 which requires any customary land dispute must be first dealt with by the chieives.

In this case the plaintiff started first and said that his ancestors and warriors were first came into the disputed land. He said that, his ancestors settled in other places first before finally to the disputed land. He claimed that he have a tambu place and graves of his ancestors in the disputed land. He also told the court that the defendant, Henry Vovoke just came into the land only when he got married to the daughter of his (Paul Gegere) brother.

PWI (Matthew Sapisi) gave evidence on Oath just to confirm what the plaintiff had mentioned to the court. This witness said that, during the chieives hearing both parties didnot tell their history stories but talked about only different issues. The Defendant(Henry Vovoke) then gave evidence on Oath and said that his old people used to work there before and thats why he believed that the land indispute, which is the Tadolo block must be his and not the plaintiff.

DWI(Jeremiah Manongia) stated that they didnot dispute the whole land but only the block at Tadolo where their old people used to work before. He said that one of his old people namely Veo was the first person to make gardens there and was also buried there when he died. He said that parents of the plaintiff still alive those times but didnot dispute them in the block land at Tadolo.

After considering evidences from both parties, this court has satisfied that the plaintiff side represented by Paul Gegere were the first settlers of Tabunagu land. However it is clear here that the defendant doesnot dispute the whole land of Tabunagu but only a block namely Tadolo. This block land is situated jus near the disputed land. This court has satisfied tha the plaintiff side have a tambu place namely Paparakeramo plus old graves in the land disputed.

It was understood that the defendant side does't dispute all these . The defendant also have a tambu place but that is outside the boundary of Tabunagu Land. This court has also satisfied that the old people of the defendant used to make gradens at Tadolo land before and one of them namely Veo was also buried at Tadolo land. Having considered all these points, the court then came out with this decision.

DECISION

The ownership of Tabunage land is awarded to the plaintiff namely Paul Gegere.

The block at Tadolo both the plaintiff (Paul Gegere) and the defendant (Hentry Vovoke) have equal rights to look after for the purpose of gardening and other developments.

Vice President - Christian Sale

Member - John Monona

Member - Robert Gehi

Secretary- B.Kerepiniano

7/12/94

Right of appeal within three months.