

**IN THE ISABEL LOCAL COURT  
HELD AT TATABA STATION**

Land case no. 7/97

BEFORE: Richard Haile - President  
Fredrick Kana - Member  
Solomon Manetove - Member

Jeremy Fasi - Court Clerk

ABOUT: TAKATA LAND

BETWEEN: Paul Fota -

Plaintiff

Nelson Saina -

Defendant



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**JUDGMENT**

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It is the duty of the plaintiff to prove his case on the balance of the probability as required in all the Civil cases.

In this case plaintiff have called two witnesses to prove his case. The defendant on the other hand have called one witness for their defence.

The plaintiff's case can be briefly summaries as follows: That in 1984 the Defendant Mr Nelson Saina took the Limapoga case to the High Court when Thogokama and-Vihuvungi cian disputed the land. The Defendant could not have the support from others and therefore seeking plaintiff's support on the above case because the plaintiff have properties in the Limapoga land.

The plaintiff further stated, that he purchased Takata land from Vihuvungi tribe, a tribe that Nelson Saina claim to be his own. He also stated that the defendant is selling some part of the land without the consent of the plaintiff.

The plaintiff also further stated about his family tree on how they came to own the disputed land. He further stated the land boundary of the Takata land from Tuotungo then move to Rauseko, Takaekare and then proceed down to Dume Lona then follow the stream Bea, Kora and Kakau. From there follow the coastal side to one river mouth called Pirega and also along the coastal side we have Aopo, Kasarongo, Takata, Buai and back to Tuotungo and said map is tender to Court and marked EXPF4.

Before the close of the plaintiff's case the defendant told the Court that is he did not dispute the ownership of the land he only contesting the selling of the land as what the plaintiff further told the Court of.

However, the Defendant too also justify his evidence under oath that the transaction made on the 22nd day of June 1994 between the following land owners: Nelson Saina, Benard Seni, John Trasel, and Ezekiel Haramana (representing the Vihunangi tribe) and Bernard Seni (Jr) Jersie Mola, Moses Seni and Kelvin Forest (representing Posamogo tribe) was made for the land known as: - Takutu & Holigisisi, Gorimiji to Feragrangi, Kologogoe to Takaekave, Dume Longa and back to Takutu.

The defendant further stated that the transaction is not for the Takata land as stated by the plaintiff. He further told the Court that the two parties who involved in the transaction found out later that some part of the purchased land were not included and it was from this proves the defendant took step to see the lands officer about the situation.

However, the issue before this Court is the selling of the Takata land. The Court have seen from the evidence of the plaintiff that the Defendant have done illegal activities on the land without taking any consent for the Defendant. It is also satisfy by the Court that the Defendant is doing this and that on the land and that is why the plaintiff have to take the matter up to reach this end. If such activities is not done then the plaintiff cannot make any such attempt to have this matter brought to Court.

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Decision

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Having consider the evidence before this Court the Court is satisfy that the Defendant is illegally selling some of the land properties of the Takata land.

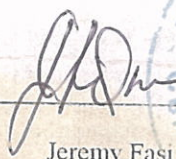
The land ownership belong to the plaintiff and the Defendant not to interfere or doing any activities or selling the land properties any more.

Parties to bear their own cost.

Right of Appeal within three months as from the date you received the judgment.

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Richard Kaitle  
President YLC



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Jeremy Fasi  
Court Clerk

