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IN THE MALAITA LOCAL COURT

LAND CASE NO:..... 2/97/MLC

DATE:..... 6TH MAY, 1997

- 1) MOSES OFASISILI OF GWAUNARU VILLAGE (present)
- 2) FRANCIS BILY MAOMA " " (absent)
- 3) PAUL BILIMAOMA " " (present)
- 4) ROBINSON KOFANA " " (Present)

PLAINTIFFS: SPOKESMAN LAMETELIA

V.

1) MARTIN SADE BOLOI OF GWAUNARU VILLAGE, WEST KWARA'AE
DEPENDANTS: 2) LUCY AUTEE (F) OF KWALSALIU VILLAGE (both present)

Name of Land in Dispute: BIRANAKWAO

JUDGEMENT/COURT FINDINGS

Court finds that the chiefs of ward 3 were wrong to reopen Biranakwao land case which already disputed back in 1985. This Court refers to the Local Court Amendment Act 1985. Previous decisions by Court - page 5 para 2. The Amendment Act does not give the chiefs any power to reopen or review any dispute that has already been decided by a Court. The rule is that once a decision has been made by a Local Court, CLAC or the High Court that decision stands for evermore.

Court also finds Robinson Kofana is said to be a relative of Billy Maoma and Lucy Autee(f) is the daughter of late Atonia. In the previous cases Mr. Kofana used to be a partner to Atonia and Billy Maoma groups but now when the two genuine landowners Atonia and Billy Maoma died Mr. Robinson Kofana started to take over Atonia's right of land, ownership of Biranakwao from his only beloved inherit daughter Lucy Aute'e(f).

Mr. Martin Sade the part landowner with Atonia & Billy Maoma(deceased) knew that chiefs of ward 3 reviewed Biranakwao land case that he and Lucy Autee refused to attend the chiefs settlement panel held at Gwailiki village, West Kwara'ae.

Court finds that Mr. Robinson Kofana wants to be a new member of landownership groups with those who takes the rent of Gwaunaruu airport that is Billy Maoma's sons then separated to Martin Sade Boloi and Lucy Autee who inherit (takes) the title of her late father Atonia. Then he took Billy Maoma's sons with him and claimed Martin Sade and Lucy Autee to become defendants in this case. It is understood that Atonia, Billy Maoma and Martin Sade Boloi groups are the landowners of Biranakwao customary land but now Mr. Robinson Kofana cuts Billy Maoma into two halves, that he grabed Billy Maoma's sons to his side and to Martin Sade and Lucy Autee who represent her father late L. Atonia the three present landholding groups of Biranakwao land.

Court finds that it is impossible for a human being to be divided into two halves one half to the plaintiff side and another half to the defendant side. Therefore if Mr. Robinson Kofana wants to make a new claim he should stand independently by himself and against the three land title holders or the land decree holders. Atonia (Lucy Autee(f)) Billy Maoma and Martin Sade Boloi.

Court finds that Fulisisila tribe claimed ownership but according to customary land ownership there is no primary right or secondary right exist among the landowning groups of any customary land in Malaita. Nowadays law Courts sometimes offer the decree of primary and secondary rights. According to law today the current landowners are Atonia (deceased) inheritance Lucy Autee, Billy Maoma and Martin Sade Boloi the genuine landowners of Biranakwao customary land.

Bearing the above points in mind this Court is satisfied that the Plaintiffs claimed has no merit either in custom or in law. We dismissed this claim.

DECISION: Claim DISMISSED decision of CLAC 5/1985 stands.

L. Atonia (Lucy Autee), Billy Maoma and Martin Sade are the LANDOWNERS of KWARULASI and BIRANAKWAO lands.

This Court refers to section 19 Local Court Handbook 1979 page 11 which stated "A Local Court cannot change decision given by another Local Court, Magistrates Court or High Court neighter can it change a decision given by itself already this includes land case."

Right of Appeal Exp. 8/5/97 - 8/8/97. R O A E Expiring date 8/8/97.

Court officials: Ofadau Sanga *[Signature]* VP
J. Meke *[Signature]* CM
I. Ilimanu *[Signature]* CM
Lucian Kebai *[Signature]* C/Clerk 8/5/97

