

**IN THE BELLONA LOCAL COURT  
OF SOLOMON ISLANDS**

**Land case No.01/00 & 01/01**

**BETWEEN:** SHIMMIE MANGIE **Plaintiff**  
**AND:** SANGA TUHANIU **Defendant**

**IN THE MATTER:** TABALIA AND NUKUMOUKAI [MOANA] LANDS

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**RULING**

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This case is between Shimmie Mangie and Sanga Tuhaniu. The matters of dispute are two separate portions of lands situated on two separate locations on Bellona Island. The two portions of lands are known as Tabalia and Nukumoukai and were filed by both parties respectively.

The court after having made enquiries into the handling of the two matters by chiefs decided that the land known as Tabalia be referred to the Chiefs council. The court found that the matter has not been properly dealt with and that both parties have submitted that matter be referred to the chiefs.

With regards to Nukumoukai or Moana as known in the olden days, the Court found that this matter has also not been dealt with properly. The Council of Chiefs have not made a conclusive decision as to the ownership of Nukumoukai land. It appears when the matter was not completed by the Chiefs; the Local Court has no jurisdiction to determine it. The Court consider section 12(1) (b) of the Local court Act to apply in this case for the reason that the Court has not satisfied that "all traditional means of solving the dispute have been exhausted".

The Court having considered this reasons decide to refer the matters under section 13(e) of the Act to the chiefs Council with the following orders.

## ORDERS OF COURT

1. Tabalia land case be referred to any Council of Chiefs as agreed to by both parties.
2. The Court decided that Nukumoukai or Moana be referred to the House of Chief situated in the locality of the land in dispute, namely Hangengima Council of Chief to properly deal with the matter as required of it by sect. 11 of the Local Court Act Cap 19.
3. No order as to cost.

Right of appeal against this decision is within 3 months from today's date.

**Dated this 11<sup>th</sup> day of April 2007, at Ngongona village, Bellona.**

Henry Kabei	Signed	President
Osly Ex James	Signed	Member
Bix Paul	Signed	Member
Paul Ngaingeri	Signed	Secretary

