

416/421

IN THE FIJI COURT OF APPEAL

CIVIL JURISDICTION

CIVIL APPEAL NO. 40 OF 1989

IN COURT

BEFORE THE HON. THE PRESIDENT OF THE FIJI COURT OF APPEAL, MR. JUSTICE MICHAEL HELSHAM AND BEFORE THE HON. RESIDENT JUDGE OF APPEAL, SIR MOTI TIKARAM AND BEFORE THE HON. JUDGE OF APPEAL, SIR MARI KAPI

TUESDAY THE 23RD DAY OF JUNE 1992 AT 12.00 NOON

BETWEEN:

SUMER PRASAD

APPELLANT

-and-

PUBLIC TRUSTEE
JAGDISH PRASAD
SANTA PRASAD

RESPONDENTS

Mr. V. Mishra for the Appellant
Mr. Cope for the 1st Respondent
Mr. V. Maharaj for the 2nd Respondent

Direct that the relevant legal adviser of the 2nd respondent file an affidavit within 14 days of today explaining why the direction of this Court as to the filing of skeleton arguments was not obeyed .

Note the minute of settlement dated this day signed by counsel for the parties and placed with the papers.

Orders in accordance with the said minute of settlement.

Michael Helsham
M. M. Helsham
PRESIDENT

THE FIDJ COURT OF APPEAL
JURISDICTION

47422

CIVIL APPEAL NO. 40 OF 1989

BETWEEN:

SUMER PRASAD

APPELLANT

THE PUBLIC TRUSTEE

FIRST RESPONDENT

JAGDISH PRASAD

SANTA PRASAD

SECOND RESPONDENTS

MINUTE OF SETTLEMENT

consent :-

1. The Appellant to have leave to amend paragraph (a) of his summons dated 13th April 1989 by deletion of the words "paragraphs 1, 2, 3, 5 and 11 of".

2. The consent order and terms of settlement dated 30th April 1989 be set aside.

3. There be a further payment of the sum of \$5573-95 by the First Respondent to the solicitors for the Appellant.

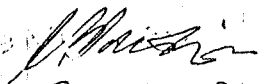
4. That the appeal be dismissed save

that one orders dated 13th October 1989, for accounts to be compiled by an independent accountant and for remuneration of that accountant be set aside.

5. That the matter be put before the Deputy Registrar, ^{Lautoka} for a date to be fixed for the hearing of the action.

6. There be no order for costs.

Dated this 23rd day of June 1992.


Solicitor for the Appellant.

Andrew Cope
Solicitor for the First Respondent


Solicitor for the 2nd Respondent

