

IN THE FIJI COURT OF APPEAL

CIVIL JURISDICTION

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CIVIL APPEAL NO. ABU0039/95S  
(High Court Civil Appeal No. HBA0007/95S)

BETWEEN:

SURESH SUSHIL CHANDRA CHARAN  
ANURADHA CHARAN

Applicants

-and-

SUVA CITY COUNCIL

Respondent

1st Applicant in Person  
Mr R. Gopal for the Respondent

DECISION  
**(Chamber Application)**

The Applicants seek leave from a Single Judge of this Court to appeal to the Court of Appeal against a decision of the High Court (Scott J.) delivered on 22 June 1995 in its appellate jurisdiction. The Applicants applied to Scott J. the same day for leave to appeal against his decision but this was refused. In refusing leave Scott J. stated as follows:

*"After delivering the above Judgment the Appellant sought leave to appeal to the Fiji Court of Appeal.*

*In my opinion the whole proceeding by the Appellant verges on the vexatious. The amount involved is about \$20. No new matter has been placed before me showing why I should grant leave. I can find no substantial question of law to be decided. Application for leave to appeal is refused.*

*The Respondent seeks costs of today which he puts at \$50. I award the Respondent costs which I assess at \$50.00."*

The present application is made to a Single Judge by virtue of his concurrent jurisdiction.

Both parties endeavoured to settle the matter but without success resulting in a series of adjournments. Both have now filed written submissions and have asked that a decision be given without further oral hearing.

Having examined the Magistrates' Court record, the reasons given by the learned judge for dismissing the Applicants' appeal, and having considered the written submissions filed, I am clearly of the view that the prospect of the Applicants succeeding on appeal is minimal. Furthermore there is no substantial point of law or issue of general importance involved. No question of altering the substantive rights of the parties or either of them arises here. The amount involved is small and it relates to costs only which the Magistrates' Court in its discretion refused to grant to the Applicants following withdrawal of a JDS issued by Respondent against the Applicants.

Leave to appeal is refused.



Sir Moti Tikaram  
President, Fiji Court of Appeal

Suva  
15 February 1996.