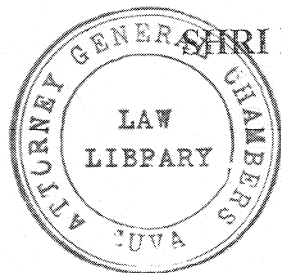


**IN THE COURT OF APPEAL, FIJI ISLANDS**  
**ON APPEAL FROM THE HIGH COURT OF FIJI**

**CIVIL APPEAL NO. ABU0005M OF 2006L**  
**[High Court Civil Appeal N0.HBC069 of 1996]**

**BETWEEN:**



**SRI RAM REDDY f/n Venkat Reddy**  
*Appellant*

**AND:**

**DEOJI PUNJA f/n Punja Kara AND**  
*1<sup>st</sup> Respondent*

**HARI PUNJA f/n Punja Kara**  
*2<sup>nd</sup> Respondent*

**KANTI PUNJA f/n Punja Kara**  
*3<sup>rd</sup> Respondent*

**JAGJIWAN PUNJA f/n Punja Kara**  
*4<sup>th</sup> Respondent*

**LILAWATI PUNJA f/n Chaganlal**  
*5<sup>th</sup> Respondent*

**INTERNATIONAL SOCIETY FOR KRISHNA  
CONSCIOUSNESS OF SUVA**  
*6<sup>th</sup> Respondent*

**PUNJA AND SONS LTD**  
*7<sup>th</sup> Respondent*

**GOPALS LTD**  
*8<sup>th</sup> Respondent*

Applicant in person  
Nagin and Ms Punja for respondents

**Hearing:** 12 April 2006

**Ruling:** 20 April 2006

## RULING

The applicant seeks to appeal a decision of Finnigan J in the Lautoka High Court delivered on 16 November 2005.

His notice of appeal was filed on 17 January 2006 and names eight respondents.

Summons to fix security for costs was filed on 19 January 2006 and heard by the Deputy Registrar on 9 February 2006. During the hearing, Mr Nagin, for the respondents, pointed out that the first two respondents had not been parties to the action in the High Court and so there was no right of appeal against them. He also sought \$5,000.00 as security for costs.

The Deputy Registrar ordered the sum of \$1,500.00 as security to be deposited within 28 days and also ordered that the first two respondents be struck out.

The applicant has now asked the Court for more time to pay the security for costs. He points out that he is unemployed and has very little money. He tells the Court that he brings the action on behalf of the Fiji Society for Krishna Consciousness and represents many members of that body. However, he cannot obtain financial assistance from those members because they are frightened of the respondents and others who will take steps against them if they support him. The learned trial judge noted that the action he heard was neither a representative nor a class action. The applicant's assertion that he represents others and that they are frightened are unsupported by any evidence.

By rule 17 of the Court of Appeal Rules, if there is a failure to comply with the order to deposit security within the time allowed, the appeal is deemed to be abandoned. The

applicant made this application before that time and it has been held pending this hearing. The delay has, of course, given him more time to find the money.

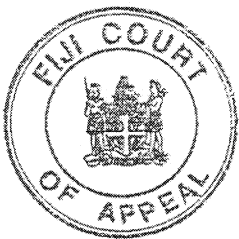
The applicant explains that he has tried to obtain money from the FNPF but they refused the day before the hearing and he is appealing the decision to the General Manager. It would appear he has little chance, given the Fund's strict restrictions on paying out savings.

It is also relevant that, before the appeal was filed, the applicant applied to the Court for dispensation in the payment of the filing fees. They were waived and he now seeks the same order for the security for costs. However, the costs awarded against him in the High Court have not been paid and a receiving order has been made against him. It is also relevant to point out that, if the appeal is to proceed, the applicant will need to pay for a copy of the record which I am advised by Mr Nagin exceeds four hundred pages.

The purpose of security for costs is to ensure that, should the appeal fail, the respondents will be able to recover their costs. The respondents clearly have reason to fear that, if the appeal is unsuccessful, they will not be able to do so and the grounds advanced by the applicant to waive the security strengthen that concern.

I have read the judgment of Finnigan J and the grounds of appeal and I consider the applicant's chances of success are remote.

In those circumstances, the application is refused. The security for costs is to be deposited by midday on 21 April or the appeal will be deemed to be abandoned under rule 17(2).



A handwritten signature in cursive script, appearing to read "Gordon Ward".

[GORDON WARD]  
President  
FIJI COURT OF APPEAL

20<sup>th</sup> APRIL, 2006