

COURT OF APPEAL, FIJI ISLANDS
AT SUVA

CIVIL APPEAL ABU0080 OF 2008

BETWEEN : B.W. HOLDINGS LTD. *Appellant*
AND : PROPERTIES PACIFIC (FIJI) LTD. *Respondent*

Before the Hon. Mr Justice John E Byrne

Counsel : Diven Prasad Esq. for the Appellant
S. Lateef for the Respondent

Date of Supplementary
Ruling : 10th February 2009

SUPPLEMENTARY RULING

- [1] In view of the fact that the Appellant is now appealing my Ruling of 3rd February 2009 to the Full Court I should state the nature of the way I was misled by counsel.
- [2] When counsel appeared before me on the 21st of January 2008 I was told by both of them, *“it’s all there My Lord”*. This referred to the four files which had been brought before me for the application for a Stay. Included in those files were the notes of Mr Justice Jitoko and his Ruling refusing a Stay on his Judgment.
- [3] I remarked when delivering my ruling that it was the duty of counsel to refer to the Court all authorities and matters on which a party proposed to rely and this had not been done, particularly by

the Appellant, in this case. They did not refer me specifically to the notes of Mr Justice Jitoko or his Ruling on Stay but I have no doubt they knew of them.

[4] I leave the matter there.



John E. Byrne

[John E Byrne]

JUDGE