

IN THE COURT OF APPEAL, FIJI
[On Appeal from the High Court]

CIVIL APPEAL NO. ABU 0037 of 2021
[Labasa Civil Action No: 62 of 2016]

BETWEEN : **JADURAM INDUSTRIES LIMITED** *Appellant*

AND : **ABDUL SAHEED HUSSAIN** *1st Respondent*

AND : **PACIFIC ENGINEERING PROJECTS LIMITED** *2nd Respondent*

BEFORE : **Dr. Almeida Guneratne, P**

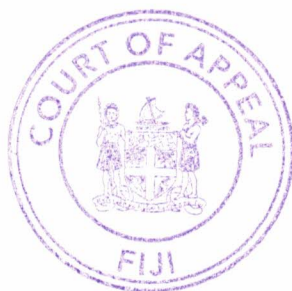
ON THIS 4TH DAY OF SEPTEMBER, 2023

[1] The Appellant and the 1st Respondent abovenamed have filed a joint Notice of Discontinuance dated 13th June, 2023 (filed on 19th June, 2023) in respect of the appellant's appeal against the 1st and 2nd Respondents and the 1st Respondent's cross-appeal against the Appellant.

[2] The said notice having been submitted to me on 21st August, 2023 I proceed to make order under Rule 12 of the Court of Appeal Act (the Act) as follows:

ORDERS:

- 1) *The Notice of Discontinuance dated 13th June, 2023 is accepted.*
- 2) *Consequently, there being no appeal on foot I make order dismissing the appellant's appeal and the 1st Respondent's cross-appeal without costs in terms of Section 20(1)(h) of the Act.*
- 3) *Since the 2nd Respondent abovenamed had been a party originally to the initial action and before this Court, the Registrar is directed to serve notice of this order in addition to the appellant and the 1st respondent, the 2nd respondent as well.*



Hon. Justice Almeida Guneratne
PRESIDENT, COURT OF APPEAL

Solicitors:

Messrs. Gibson & Co. for the Appellant (Original Defendant)

Messrs. Sushil Sharma Lawyers for the 1st Respondent (Original Plaintiff)

For the 2nd Respondent (Original Third Party): Not a signatory to the Notice