

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

CIVIL APPEAL NO. ABU 0020 OF 2025
(High Court Civil Action HBC 284 of 2024)

BETWEEN : **TIMOCI SILI trading as NANUKU SCRAP METAL BUYERS**
of Walu Bay, Sole-Trader
Appellant

AND : **HOLY WATER PTE LIMITED**
Respondent

Coram : Prematilaka, RJA

Counsel : Ms. V. Nandan for the Appellant
Mr. J. Cati for the Respondent

Date of filing of : 11 December 2025
Terms of
Settlement & Notice
of Discontinuance

Date of Mention : 11 December 2025

Date of Ruling : 11 December 2025

RULING IN CHAMBERS

[1] The appellant on 20 March 2025 has appealed the Ex-Tempore Ruling of the High Court made on 19 February 2025 *inter alia* ordering the appellant to give to the respondent vacant possession of the land concerned. Consequent to the said Ruling, the High Court has also granted an order on 17 September 2025 for immediate possession pursuant to the writ of

possession¹. Security for costs has been determined by the Chief Registrar and duly paid by the appellant.

- [2] The appellant has also filed summons on 18 September 2025 *inter alia* seeking a stay of the Ex-Tempore Ruling.
- [3] While the steps in the matter of summons for stay were ongoing, a Notice of Discontinuance signed by solicitors for both parties has been lodged on 11 December 2025. The fact that the matter has been settled was confirmed by both counsel in court on 11 December 2025.
- [4] Thus, the appellant moves to discontinue the appeal.


Orders of the Court:

[1] *The application by the appellant to discontinue the appeal is allowed.*

[2] *Appeal is accordingly dismissed in terms of section 20(1)(h) of the Court of Appeal Act.*

[3] *No costs.*




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Hon. Mr Justice C. Prematilaka
RÉSIDENT JUSTICE OF APPEAL

Solicitors:

OCEANICA IP LAWYERS for the Appellant
AUGUST LEGAL for the Respondent

¹ **Holy Water Pte Ltd v Sili** [2025] FJHC 599; HBC284.2024 (17 September 2025)