

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

CIVIL APPEAL NO. ABU 024 of 2025
[In the High Court at Lautoka Case No. HBC 149 of 2024]

BETWEEN : **HOTEL BULA-BARD PTE LIMITED** a private company having its registered office at Lot 12, Wasawasa Road, Nadi, Viti Levu.

Appellant
[Original Defendant]

AND : **MID-WEST HOLDINGS PTE LIMITED** a private company having its registered office at Corner Point, Corner of Nadi Back Road, Nadi.

Respondent
[Original Plaintiff]

Coram : Prematilaka, RJA

Counsel : Ms. M. Chowdhury for the Appellants
Absent and unrepresented

Date of Mention : 25 April 2025

Date of Notice of Discontinuance : 17 April 2025

Date of Ruling : 25 April 2025

RULING IN CHAMBERS

[1] The solicitors for the appellant have filed a notice of discontinuance with no order for cost on 17 April 2025.

[2] This relates to an *ex-parte* summons by the appellant for stay of the judgment of the Master of the High Court and a restraining order on the respondent from executing the said judgment

pending appeal. However, this court so far has not made the summons *inter parte* and as a result the respondent has not been served with the notice of appeal and the summons for the said orders.

[3] Ms. M. Chowdhury informed court that the reason for the appeal to be discontinued is that the appeal should have been filed in the High Court.

Orders of the Court:

- [1] *The application by the appellant to withdraw/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
RESIDENT JUSTICE OF APPEAL

Solicitors:

Neel Shivam Lawyers for the Petitioner
Absent and unrepresented for the Respondent