

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

CIVIL APPEAL NO. ABU 058 of 2023
[In the High Court at Lautoka Case No. HBC 134 of 2019]

BETWEEN : **JOHN MARTELLO** of Serua, Sigatoka.

Appellant
(Original 2nd Defendant)

AND : **CRAIG DE LA MARE** of Lot 15 Maui Bay Estate, Maui Bay,
Korolevu, Baravi, Fiji.

Respondent
(Original Plaintiff)

Coram : **Prematilaka, RJA**

Counsel : **Ms. S. Nand for the Appellant**
Respondent in person

Date of Notice of
Discontinuance : **22 May 2025**

Date of Ruling : **03 June 2025**

RULING IN CHAMBER

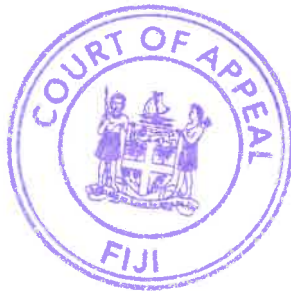
- [1] This is an appeal against the Order of the High Court delivered on 26 August 2022 which *inter alia* directed the appellant to pay into court \$10,000.00 as security for cost within 30 days.
- [2] The security for cost of \$1,500.00 ordered by the Chief Registrar have been paid on 04 August 2023. The record was forwarded to me by the Court of Appeal Registry on 22 May 2025 for a decision along with the terms of settlement between the parties including the

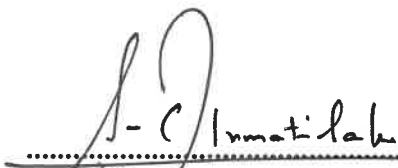
withdrawal of the appeal filed on the same day by the appellant's solicitors and signed by the respondent in person.

- [3] As per the terms of settlement and notice of discontinuance of the appeal, I make the following orders.

Orders of the Court:

1. *The Terms of Settlement signed between the parties on 22 May 2025 and filed of record be part and parcel of the withdrawal of the Appeal No. ABU 58 of 2023 and the High Court at Lautoka Case No. HBC 134 of 2019.*
2. *Appeal is 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:

Gordon & Co Lawyers for the Appellant
Respondent in person