

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

CIVIL APPEAL NO. ABU 104 of 2024
[In the High Court at Suva Case No. HBC 164 of 2023]

BETWEEN : **NASESE BUS COMPANY PTE LIMITED** a limited liability company having its registered office at Lot 8 Carpenters Street, Raiwaqa, Suva, Fiji.
Defendant-Appellant

AND : **GURBACHAN SINGH'S STEEL MILLS LTD** a limited liability company having its registered office at Lot 1 Kaua Road, Laucala Beach Estate, Fiji.
01st Plaintiff - Respondent

SINGH STEEL ROLLING MILLS PTE LIMITED a limited liability company having its registered office at Lot 1 Kaua Road, Laucala Beach Estate, Fiji.

2nd Plaintiff - Respondent

Coram : **Prematilaka, RJA**

Counsel : **Ms. M. Baleloa for the Appellant**
Ms. K. Maharaj for the Respondents

Date of Notice of Discontinuance : **29 April 2025**

Date of Ruling : **03 June 2025**

RULING IN CHAMBER

[1] This is an appeal against the judgment of High Court delivered on 28 November 2024¹ which made the following orders:

'FINAL ORDERS:

- a. *Plaintiffs are granted access to Defendant's premises situated at Crown Lease 9650 for removal of 1000 KVA transformer and other equipment such as 11KV*

¹ **Gurbachan Singh's Steel Mills Ltd v Nasese Bus Company Pte Ltd** [2024] FJHC 701; HBC164.2023 (28 November 2024)

*SD Unit, 11KV CFC Switchgear, 11KV Cables and Indoor termination Kits
(stated in paragraph 11 of affidavit in support)*

- b. Defendant by its agents or otherwise forthwith release the Assets including the above mentioned Transformer and other equipment's to Plaintiffs and or its representatives.*
- c. Defendant is preventing from interfering with removal of all the 'Assets' stated in paragraph 13, including Transfer and its equipment's.*
- d. Plaintiff to be assisted with Police protection for the execution of this orders during reasonable time of working days.*
- e. Cost of this action is summarily assessed at \$1500.'*

[2] The security for cost of \$3,000.00 have been paid on 07 March 2025. The record was forwarded to me by the Court of Appeal Registry on 09 May 2025 for a decision along with the notice of discontinuance filed by the appellants' solicitors and signed by the solicitors for the 01st and 02nd respondents who seek no costs.

[3] As per the notice of discontinuance, I make the following orders:

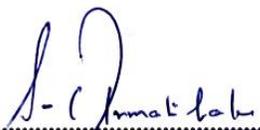
Orders of the Court:

- 1. Appeal is dismissed in terms of section 20(1)(h) of the Court of Appeal Act.*
- 2. The Chief Registrar is directed to refund \$3,000.00 paid by the appellant as security for cost to:*

*Account Name: Haniff Tuitoga Trust Account
Account No: 8552771
Bank: Bank of the South Pacific (BSP)
Narration: Gurbachan/Nasese – 104/2024*

- 3. No order as to cost.*




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Hon. Mr. Justice C. Prematilaka
RESIDENT JUSTICE OF APPEAL

Solicitors:

Haniff Tuitoga Lawyers for the Appellant
Capital Legal Lawyers for the Respondents