

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

**CIVIL APPEAL NO. ABU 111 of 2024**  
**[In the High Court at Suva Case No. HBC 64 of 2022]**

**BETWEEN** : **SUN INSURANCE COMPANY LIMITED** a limited liability company having its registered office at Kaunikula House, Laucala Bay Road, Suva.

**Appellant**  
**(Original Defendant)**

**AND** : **SEKAIA KUMI** of Nanuca Village, Farmer.

**Respondent**  
**(Original Plaintiff)**

**Coram** : Prematilaka, RJA

**Counsel** : Ms. S. Narayan for the Appellant  
Ms. S. Gounder for the Respondent

**Date of Mention** : 09 June 2025

**Date of Ruling** : 09 June 2025

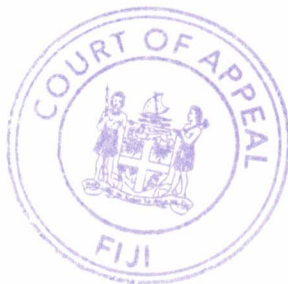
**RULING**

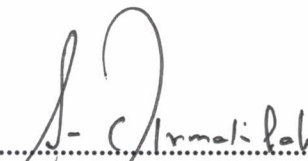
- [1] This is an appeal filed on 31 December 2024 against the Ruling of High Court delivered on 22 November 2024 dismissing the appeal against the Ruling/Judgment of the Master on 07 September 2023 whereby the respondent obtained judgment in a sum of \$311,203.90, 10% interest on the said Ruling/Judgment from the date of judgment and costs of \$5000.00 against the appellant.

- [2] The security for costs of \$3000.00 ordered by the Chief Registrar have been paid. Before that, the appellant has filed summons on 02 January 2025 for stay of execution of the Ruling/Judgment of the Master and the Ruling of the High Court pending appeal and another summons for striking out of the appeal against both decisions on 06 February 2025.
- [3] In the meantime, the appellant and the respondent have entered into a settlement on 14 April 2025 which is filed of record on 22 April 2025. Accordingly, the appellant has filed summons on 01 May 2025 to withdraw its appeal and for the respondent to withdraw the summons for stay of execution pending appeal and strike out application. I make the following orders as per the summons filed on 01 May 2025 as confirmed by the counsel for both parties in court on 09 May 2025.

**Orders of the Court:**

1. *The terms of the settlement signed between the parties on 14 April 2025 and filed of record on 22 April 2025 shall be the basis of the said summons for the aforesaid withdrawals by the respective parties.*
2. *Appeal is dismissed in terms of section 20(1)(h) of the Court of Appeal Act.*
3. *The Respondent's summons for stay of execution filed on 02 January 2025 and the respondent's summons for striking out the appeal filed on 06 February 2025 are also dismissed.*
4. *No order as to cost.*



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

**Solicitors:**

Shelvin Singh Lawyers for the Appellant  
Amrit Chand Lawyers for the Respondent