

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

CIVIL APPEAL NO. ABU 125 of 2023
[In the Suva High Court No. HBC 362 of 2023]

BETWEEN : **ISIRELI TUIFUA FA TRADING AS FA & COMPANY** of
Level 4, FNPf Place, Victoria Parade, Suva, Barrister & Solicitor.

Appellant

AND : **SHAIENDRA GOPAL RAJU** of 15 Piako Road, Claudesland,
Hamilton (formerly of Auckland, New Zealand).

1st Respondent

ROSY REDDY of 21 A Carr Road, Mt Roskill, Auckland, New
Zealand.

2nd Respondent

SHERANI & CO of 2nd Floor, Harifam Centre, Greig Street, Suva,
Fiji, Barristers & Solicitors.

3rd Respondent

Coram : **Prematilaka, RJA**

Counsel : **Mr. I T Fa (Snr.) for the Appellant**
Mr. H K Nagin for the 1st – 3rd Respondents

Date of Hearing : **25 June 2025**

Date of Ruling : **25 June 2025**

RULING IN CHAMBERS

- [1] The appellant on 19 December 2023 has sought *inter alia* leave to appeal against the judgment of the High Court dated 08 December 2023¹ dismissing the appellant's application for *inter alia* injunctive relief by ex-parte summons.
- [2] Consequent to several orders made by Jitoko, JA (as his Lordship then was) on 16 February 2024, the solicitors on behalf of the 02nd respondent have tendered a cheque to the value of FJD 1,381,000.00, as security for professional fees payable to the appellant under the 2017 Retainer Agreement, to the Chief Registrar/Court of Appeal which has been duly acknowledged by receipt No.897581 dated 19 June 2024 by the Judicial Department Trust Fund.
- [3] On 24 June 2025, the solicitors for both parties have signed and filed the 'Terms of Settlement' to fully and finally settle all disputes on the following terms and conditions:
1. *The 2nd respondent agrees to pay the appellant the sum of \$1,130,000.00 in full and final settlement of the appellant's claim in this appeal and High Court Civil Action No. HBC 362 of 2023 and the appellant hereby agrees to accept the same in full and final settlement.*
 2. *The said sum of \$1,130,000.00 shall be paid out to the appellant from the moneys deposited by the 2nd respondent in Court and the balance deposited in Court shall be paid out into the trust account of the 3rd respondent.*
 3. *The parties shall make appropriate application to this Honourable Court to obtain Orders mentioned in 2 above.*
 4. *The appellant shall discontinue this appeal and the High Court Civil Action No. HBC 362 of 2023 with no order as to costs and the appellant hereby fully releases and discharges all respondents and named in this appeal and all the defendants named in High Court Civil Action No. HBC 362 of 2023.*
 5. *This Terms of Settlement shall be made an Order of this Honourable Court.*

¹ **Isireli Tuifua Fa (trading as Fa & Co) v Raju** [2023] FJHC 901; HBC362.2023 (8 December 2023)

[4] Upon the parties making an application on 25 June 2025 that orders be made according to the Terms of Settlement, I would hereby direct that the following payments from the Judicial Department Trust Fund be made as per the Orders below.

Orders of the Court:

1. The Terms of Settlement dated 24 June 2025 shall be part and parcel of the Orders of this court.
2. The Manager/Treasurer/Trustee of the judicial department trust fund and/or the Chief Registrar and/or the Court of Appeal Registry is directed to pay FJD 1,130,000.00 to the appellant's trust account (as full and final settlement of the appellant's claim in the proceedings - ABU 125 of 2023- in the Court of Appeal and High Court Action No. HBC 362 of 2023), the details of which are as follows:

Account Name: Westpac Banking Corporation

Account Name: Fa & Company Trust Account

Account Number: 9800014115

BSP Number: 039001

Swift Code: WPACFJFX

Physical Address: Westpac Banking Corporation

1 Thompson Street

Suva, Fiji.

3. The Manager/Treasurer/Trustee of the Judicial Department Trust Fund and/or the Chief Registrar and/or the Court of Appeal Registry is directed to pay FJD 251,000.00 to the 03rd respondent's trust account, the details of which are as follows.

Account Name: Sherani & Co Trust a/c

Account Number: 1553828

Bank: ANZ Banking Group Ltd

Branch: ANZ House, Victoria Parade, Suva, Fiji.

Swift Code: ANZBFJFX

BSB: 010 0890

4. Appellant's *ex-parte* summons – ABU 125 of 2023 - filed on 9 December 2023 is hereby dismissed.
5. No costs.




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

Solicitors:

Fa & Company Lawyers for the Appellant
Sherani & Co Lawyers for the Respondents