

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

CIVIL APPEAL NO. ABU 065 of 2025
[In the Family Court at Suva Case No. 010 of 2022]

BETWEEN : **ISOA DIBULUBULU QALUBAU** of 22 Lovoni Road, Tamavua,
Suva, Retired Solicitor.

Appellant

AND : **LAIZA MAGDALANE JOHNSON** of 85 Masters House, Coxhill
Way, Aylesbury HP, 218FL, United Kingdom.

Respondent

Coram : **Prematilaka, RJA**

Counsel : **Ms. S. Tuicakau and Ms. T. Waqanika for the Appellant**
Mr. T. Tuitoga for the Respondent

Date of Hearing : **03 March 2026**

Date of Ruling : **18 March 2026**

RULING IN CHAMBERS


[1] The appellant has filed a Notice of Motion seeking leave to appeal out of time the judgment of the Family Division of the High Court delivered in its appellate jurisdiction on 31 January 2024 in terms of section 19(1) of the Family Law Act 2003. The High Court judgment was based on an appeal filed against the decision of the Family Division of the Magistrates' Court made on 15 August 2022.

[2] However, the solicitors for both parties have on 03 March 2026 filed a Notice of Discontinuance seeking to discontinue the appeal subject to costs of \$2500.00 to be paid by the appellant to the respondent.

Orders of the Court:

- [1] *The application by the appellant to withdraw/discontinue the enlargement of time application is allowed.*
- [2] *Notice of Motion for enlargement of time to appeal filed on 18 July 2025 is accordingly dismissed.*
- [3] *Appellant is to pay costs of \$2,500.00 to the respondent.*




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

Solicitors:

Waqanika Law for the Appellant
Haniff Tuitoga for the Respondent