

IN THE HIGH COURT OF FIJI
WESTERN DIVISION
AT LAUTOKA

CIVIL JURISDICTION

HBC No. 112 of 2007

BETWEEN : **TASWIK MOHAMMED** father's name Mohammed Shafiq of
Raviravi, Ba, Technician

Plaintiff

AND : **TIRULOK MUNI NAND NAIDU** father's name Ganga Dharan
Naidu of Nadovi, Nadi, Technician.

1st Defendant

AND : **SUBHAS CHANDRA SHARMA** father's name Ram Oudh Sharma
trading as **SHARMA MUSIC CENTRE** of Nadi Town

2nd Defendant

AND : **VIJENDRA MANI** father's name Subramani, Technician

3rd Defendant

AND : **SUBHAS CHANDRA SHARMA** father's name Ram Oudh Sharma
trading as **SHARMA MUSIC CENTRE** of Nadi Town.

Third Party

Appearances: Mr Chaudhary for the Plaintiff
Mr Mishra & Mr Maharaj for the Defendant

R U L I N G

1. The solicitors involved in this case are at an impasse at pre-trial conference stage as to how the issues and the agreed facts should be stated.
2. The dispute is mainly between the first defendant and the second defendant.
3. I am being asked to rule on whether Pre-Trial Conference should be dispensed with.
4. **Order 34 Rule 2** of the **High Court Rules 1988** provides that, in proceedings in which all parties are represented by solicitors¹, a Pre-Trial Conference must be held, before an action may be set down for trial, between all solicitors involved, with the object of reaching agreement as to possible ways of curtailing the

¹ Order 34 Rule 2(1).

duration of the trial, and, in particular, as to all or any of the matters listed therein namely:

- (i) the possibility of obtaining admission of facts or documents.
 - (ii) the holding of inspections and examinations.
 - (iii) the discovery of documents.
 - (iv) the exchange between parties of reports and of experts.
 - (v) the plans, diagrams, photographs, models and similar articles to be used at the trial.
 - (vi) the quantum of damages.
 - (vii) the consolidation of trials.
5. Under Order 34 Rule (3), if any solicitor refuses to attend the Pre-Trial Conference, the solicitor requesting the same may apply to Court for an Order that such conference be held at such time and place and for such purpose as shall be specified in the order, or may order that such conference need not be held.
6. There are strong policy reasons in the interest of good administration of justice as to why a Pre-Trial Conference is required. And although Rule (3) gives the Court a discretion to Order that no PTC need be held, it is my view that such discretion should **not** be exercised lightly.
7. Accordingly, I make the following directions:
- (i) The plaintiff's solicitor is to draft and circulate a set of PTC Minutes within the next 14 days to all other solicitors. A copy of the said draft should also be forwarded to this court.
 - (ii) The case is then adjourned to **Tuesday 21 May 2013 for mention at 8.30 a.m.** for mention to fix a Pre-Trial Conference date before me.
 - (iii) On the date of Pre-Trial Conference before me, the solicitors are to comment on the draft prepared and circulated by the plaintiff.

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Master Tuilevuka.

3 May 2013