

IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION

Civil Action No: HBC 118 of 2015

BETWEEN : **PENIONI TOGA** of Lot 8, Panapasa Road, Namadi Heights, Suva. Businessman.

Plaintiff

AND : **UMU VULAKORO, JONA BOVORO, PENI QUSA**
all of Yacata Village, Yacata Island, Cakaudrove village now residing at Davuilevu, Nasinu.

Defendants

BEFORE : The Hon. Mr Justice D. C. Alfred

Counsel : Mr. N Tuifagalele for the Plaintiff

Date of Judgment : 13th March 2015

JUDGMENT

Having considered the written submission of Mr N Tuifagalele of Counsel for the Plaintiff and his oral submission and authority cited, the Ex-parte Motion and Affidavit in Support of the Plaintiff.

I am of the considered opinion as follows:

1. The Plaintiff has to satisfy the Court that he is entitled to the injunctive

relief sought for on an Ex-parte basis by him in paragraphs 1, 2 and 3 of his Ex-Parte Motion dated the 12th day of March 2015 and this I find and so hold he has failed to do.

2. The Plaintiff should have proceeded in the normal way to file a writ or an originating summons so that the issues may resolved on an Inter-partes basis.
3. In the circumstances of this case as appears from the Affidavit of the Plaintiff sworn on the 13th March 2015 and Counsel's oral submission, injunctions are hereby refused.

Dated at Suva this 13th day of March, 2015.



Alfred

D.C. Alfred
JUDGE
High Court of Fiji