

IN THE HIGH COURT OF FIJI

AT SUVA

CIVIL JURISDICTION

Civil Action No. HBC 172 of 2014

BETWEEN : **TEBARA TRANSPORT LIMITED** a limited liability company having its registered office in Suva.

PLAINTIFF

AND : **SUN (FIJI) NEWS LIMITED** a limited liability company having its registered office in Suva.

FIRST DEFENDANT

AND : **PETER LOMAS** address unknown to the Plaintiff, Publisher.

SECOND DEFENDANT

AND : **MAIKA BOLATI KI** address unknown to the Plaintiff, Editor.

THIRD DEFENDANT

Counsel : **Mr. A. Pal for the Plaintiff**
Mr. E. Narayan for the Defendants

Dates of Hearing : **4th and 5th October, 2016**

Date of Judgment : **4th November, 2016**

JUDGMENT

INTRODUCTION

1. The Plaintiff filed this action against the Defendant, alleging that the two newspaper articles including a description of a photograph published by the newspaper 'Fiji Sun' defamed its reputation as an entity that operates public transport in Fiji. The Plaintiff called one witness the General Manager of the bus company and for the defence the Editor of the 1st Defendant gave evidence and he said that the Plaintiff was contacted for comments before the publication and it had declined to comment. The article also stated that it had contacted the owner of Plaintiff Arvin Maharaj before publication and he had

declined to comment. Though some of the facts on the said article were denied by the Plaintiff this fact was not denied even at hearing. The newspaper had also inquired from the Ministry of Labour before publication of two articles relating to the issues and had obtained written answers to the queries, of the facts before the publication. The Ministry of Labour had confirmed that there were investigation about the Plaintiff bus company and the witness for the Plaintiff, admitted that they were investigated about the overtime. What transpired in those investigations and outcome of the investigation was not revealed at this hearing. The reporter of the 1st Defendant had inquired all the stake holders before publishing the news reports in issue and had published the information and had identified the source of information in the articles. The Defendants allege fair comment, and accurate publication of material as a newspaper. It claims the right to free speech guaranteed in the Constitution of Fiji and also Defamation Act (Cap 34). It claims the defences of innocent publication in the discharge of its public duty, public interest and public duty to provide such information, fair comment and justification. The both parties were given time to file written submissions no submissions were filed on behalf of the Plaintiff.

FACTS

2. Following facts are agreed between the parties in terms of Pre-trial Conference Minutes.
 - a. The Plaintiff is engaged in the business of providing bus services in Fiji.
 - b. The 1st Defendant is a limited liability company having its registered office in Suva, Fiji and is the owner of one of the 2 daily newspapers of Fiji, namely the "Fiji Sun".
 - c. The 2nd Defendant is the publisher of the Fiji Sun newspaper.
 - d. The Fiji Sun is circulated and read Fiji-wide.
 - e. On 2nd June, 2014, the Defendants published an article on page 8 titled "Ministry Probes Bus Company-Driver refuses to drive defective bus" and on page 15 an article titled 'Labour Issues - Transport companies Investigated the Ministry of Labour is looking at working conditions of bus companies'.
 - f. The Plaintiff through its solicitors wrote a notice dated 5th June, 2014 notifying the Defendants of the publication of defamatory material, requiring a retraction and apology and requiring the Defendants to cease and desist from publishing further defamatory material and an interim response was send on 10th June, and Writ of Summons filed on 26th June, 2014.

3. The defences pleaded in the statement of defence are, innocent publication in good faith fulfilling the public duty, Public interest and public duty to publish information, fair comment and true and accurate from the materials within the knowledge of the Defendant and also the free speech guaranteed in the Constitution of Fiji and Defamation of Act.

LAW

4. In Fiji High Court decision in the case of *Dr. Ganesh Chand v Fiji Times & Margaret Wise*, HBC Civil Action No. 306 of 2000L (No. 45 of 2007)(unreported)(decided on 13.4.2007) Justice Ms. Gwen Phillips stated:

[10] "A statement is defamatory of a person if, broadly speaking, it is calculated to lower him in the estimation of right-thinking members of the community or cause him to be shunned or avoided or to expose him to hatred, contempt or ridicule ... a statement is prima facie defamatory if the words, in their natural and primary sense, that is, in their plain and popular meaning, are defamatory."

Relevant principles

[11] A body of authority has emerged which sets out the relevant considerations in determining the interpretational capabilities of the ordinary reader. The leading authority is Lewis v Daily Telegraph¹ in which an article in the Daily Telegraph headed 'Inquiry on Firm by City Police' reported that the City London Fraud Squad were inquiring into the affairs of Rubber Improvement Ltd. The Chairman of the company, Mr. Lewis sued for libel. He and the company claimed that the natural and ordinary meaning of the article was that they were guilty of fraud. Their Lordships held that no ordinary and reasonable reader would conclude guilt merely because the police were investigating the matter. The article was capable of conveying the impression that the plaintiffs were suspected of fraud and that this was defamatory allegation in itself, albeit less serious.

[12] The following general principles of construction emerge from their Lordships' speeches and subsequent authorities.

(i) The natural and ordinary meaning is that which the words convey to ordinary reasonable persons.

(ii) The ordinary reader is not avid for scandal but can read between the lines and draw inferences. Ordinary men and women have different temperaments and outlooks. Some are unduly suspicious and some are unusually naïve. One must try to envisage people between these two extremes and see what is most damaging meaning that they would put on the words. On the fact of Lewis, it

¹1964 A.C. 234

was held that only an unduly suspicious person would have concluded that the plaintiffs had been guilty of fraud simply because the police were investigating their affairs.

(iii) The effect of the publication on an ordinary reader is one of impression and the court should be wary of an over-elaborate analysis. The narrow and analytical construction put on words by a lawyer is inappropriate.

(iv) The ordinary reader considers the publication as a whole in determining. If "in one part of the publication, something disreputable to the plaintiff is stated, but that is removed by the conclusion, the bane and antidote must be taken together."

(v) "As we have seen, there is now a strong current of authority supporting the view that a report which does not more than state that a person has been arrested and been charged with a criminal offence is incapable of bearing the imputation that he is guilty or probably guilty of that offence. The decisions are, I think, soundly based, even if we put aside the emphasis that has been given to the process of inference on inference that is involved in reaching a contrary conclusion. The ordinary reasonable reader is mindful of the principle that a person charged with a crime is presumed innocent until it is proved that he is guilty. Although he knows that many persons charged with criminal offences are ultimately convicted, he is also aware that guilt or innocence is a question to be determined by a court, generally by a jury, and that not infrequently the person charged is acquitted."

(vi) "In deciding whether the words are capable of conveying a defamatory meaning the court will reject those meanings which can only emerge as the product of some strained or forced or utterly unreasonable interpretation... The ordinary and natural meaning of words may either be the literal meaning or it may be implied or inferred or an indirect meaning; any meaning that does not require the support of extrinsic facts passing beyond general knowledge but is a meaning which is capable of being detected in the language used can be part of the ordinary and natural meaning of words... The ordinary and natural meaning may therefore include an implication or inference which a reasonable reader, guided not by any special but only by general knowledge and not fettered by an strict legal rules of construction, would draw from the words."

What do the words mean?

[13] I now proceed to consider the article in order to decide:-

- 1. Whether it is capable of the defamatory meanings alleged and in fact bears a defamatory meaning*
- 2. Whether the defence of justification protects the defendants from liability."*

5. The Plaintiff in the statement of claim had pleaded major parts of articles, but failed to identify any specific words or sentences that are of defamatory to them, but stated that said parts of articles were written 'falsely and maliciously'. So, the first allegation by the Plaintiff was that the said articles were false.

6. In *Borron v Fiji Broadcasting Commission* [1982] FJCA 7; ABU0040.1981 (decided on 2 April 1982) (unreported), the Fiji Court of Appeal held, that the question as to whether words which are complained of are capable of conveying a defamatory meaning is a question of law; this question is one for the trial Judge to determine.
7. In *Hopwood v. Muirson* [1945] 1 K.B. 313 at p.316 Lord Goddard C.J. said: “Whether or not words are capable of bearing a defamatory meaning is always for the court and is therefore to be regarded as a question of law”. In deciding whether words are capable of conveying a defamatory meaning the court will consider the circumstances on which the statements are made and its general and most probable meaning to a person targeted in the publication. Newspapers are targeted for general public and its digestion of the materials are for the consumption of general public. The issues that are of public importance are covered in newspapers. The Plaintiff being one of the companies engaged in the public transportation has a duty to engage in their business ethically and protection of the commuters is of paramount importance. In the said context issues relating to overwork, fatigue of the drivers as well as condition of the buses utilized for public transportation are newsworthy and accurate reporting of such facts are essential.
8. In *Stubbs Limited v. Russell* [1913] A. C. 386 Lord Shaw said at p. 398
“Is the meaning sought to be attributed to the language alleged to be libellous one which is a reasonable, natural, or necessary interpretation of its terms? It is productive, in my humble judgment, of much error and mischief to make the test simply whether some people would put such and such a meaning upon the words, however strained or unlikely that construction may be. The interpretation to be put on language varies infinitely. It varies with the knowledge, the mental equipment, even the prejudices, of the reader or hearer; it varies – and very often greatly varies – with his temperament or his disposition, in which the elements, on the one hand, of generosity or justice, or, on the other, of mistrust, jealousy, or suspicion, may play their part. To permit, in the latter case, a strained and sinister interpretation, which is thus essentially unjust, to form a ground for reparation, would be, in truth, to grant reparation for a wrong which had never been committed”.
9. The first hurdle for the Plaintiff is to prove the two articles published by the Defendant on 2nd of June, 2014 are defamatory.

ANALYSIS

10. The Defendants admit the publication of the articles on page 8 and page 15 on 2nd June 2014 in the 'Fiji Sun'. The part of the article which was pleaded had several paragraphs and which words are defamatory are not specified in the statement of claim. Even at the hearing the Plaintiff failed to identify a statement that is not correct in the said articles. The incorrect fact the Plaintiff could point out was the description of the photograph (inset photo in the article on P5) where the document that was in the hand of the driver, Vijay Kumar, in the said picture, was described as 'LTA letter'. It was a page of customer complaint register, where the driver alleged some defects and LTA had found some defects on way side inspection. This was a description of a photograph and not a statement in the article.

11. There was photo with Vijay Kumar holding a printed piece of paper, and underneath the photo it was identified as 'LTA letter'. By the said incorrect description of the document, no defamation could be established. The description also referred to the person as 'sacked' driver. Termination of employment can be constructive hence this issue is not finalized at the time of publication or even at the time of hearing. There is no pleading as to how that inaccuracy is defamatory to the Plaintiff. The Plaintiff also failed to show how that incorrect description tarnish their reputation. So, from the only incorrect phrases LTA 'letter' and 'sacked' driver, there is no defamation to the Plaintiff. Since it was a 'customer complaints investigation form' by naming it 'LTA letter' cannot be defamatory. The issue of termination is employment is not finalized in Employment Tribunal, hence it is wrong to describe the driver as 'sacked' but when one reads the article along with the photograph there is no misdirection to the reader.

12. In Sim v Stretch 1936] 2 ALL ER 1237 at p 1240 per Lord Atkin held,

The question, then, is whether the words in their ordinary signification are capable of being defamatory. Judges and textbook writers alike have found difficulty in defining with precision the word "defamatory." The conventional phrase exposing the plaintiff to hatred, ridicule and contempt is probably too narrow. The question is complicated by having to consider the person or class of persons whose reaction to the publication is the test of the wrongful character of the words used. I do not intend to ask your Lordships to lay down a formal definition, but after collating the opinions of many authorities I

propose in the present case the test: would the words tend to lower the plaintiff in the estimation of right-thinking members of society generally? Assuming such to be the test of whether words are defamatory or not there is no dispute as to the relative functions of judge and jury, of law and fact. It is well settled that the judge must decide whether the words are capable of a defamatory meaning. That is a question of law: is there evidence of a tort? If they are capable, then the jury is to decide whether they are in fact defamatory”

13. According to the Statement of Claim the Defendant had ‘falsely and maliciously’ published the pleaded articles. So on the first allegation of falsehood regarding the statements could not be substantiated by the Plaintiff. The reporter had P2 which substantiated the allegation of the former driver of the bus. The Defendant had tried to obtain comments from the Plaintiff, without any success. The Plaintiff admitted that the driver of the Plaintiff named Vijay Kumar had left the Plaintiff since he refused to drive a bus given to him. Whether this amounted to a termination is not finalized yet.
14. In the absence of any comments from the Plaintiff, the reporter had examined the material before her and published information alleged by the former driver of the bus after inquiring from the Ministry of Labour. The LTA had found defects in the bus even after one month from the refusal of Vijay Kumar to drive it. The information given by the former driver was substantiated and the reporter published it in the newspaper.
15. The Plaintiff also admitted that Vijay Kumar requested for a different bus. So, from the said evidence it can be deduced that said driver did not wish to leave the Plaintiff but did not want to drive the bus given to him as there were some issue with that particular bus given to him. The same bus was detected with some defects about one month from the incident by the LTA. There were several defects identified by the LTA in the document P3. It was reported in P3 that the bus was inspected while being driven at Edinburgh Drive by the LTA though it was to be examined mechanically in the LTA facilities according to the P2. The LTA was to call the bus for inspection but inspected it on the roadside for reasons best known to LTA this did not happen.

16. In P3, under 'Action required' it stated '**Hard Start, Have to Spary to Start. Roof Ceiling Water Leaking**' apart from these defects there were other defects identified in the Shock Absorbers and windscreen. The LTA had given one month to replace the windscreen. From the said defects identified by inspection on the road the difficulty in starting and water leaking from ceiling will cause difficulties to a drive. When a bus is driven on the road which is hard to start and roof leaking, it may cause danger to other users of the road including to the commuters. If a bus is hard to start the drivers may resort to various other means to start and that can put the lives of the others in danger. So reporting such facts will prevent or reduce occurrence of such incidents and such reporting are of public good.
17. So, the sub title for article 'Driver refuses to drive Defective Bus' is not without a base, and justified and cannot be considered false from the material that were gathered. In any event the Defendant had reported the facts in the article with the source. So, there was no false reporting considering the content of P2. The Plaintiff's witness state that the detection by LTA that resulted 'defect order' marked P3 was issued more than one month after the Driver had refused to drive the same bus indicating that there were no defects when Vijay Kumar refused to drive the same bus. It is a fact that the Plaintiff allowed the same bus to driven on the road with several defects as stated in P3 when Defect Order was issued. There was an inaccuracy regarding the date of complaint in P2 but this date is not visible and did not form part of alleged defamation.
18. If the defects occurred after the incident the Plaintiff could prove that the bus was in good condition when the Driver refused to drive. If the Plaintiff was concerned about the safety of the passengers first it could have taken the bus for thorough inspection at LTA facilities as soon as possible, after the driver of the bus refused to drive it. If a driver refuses to drive a bus it cannot be taken lightly and say another drive drove it, hence there were no defects. As appears from P3 there were drivers who drive buses when the 'roof was leaking' and 'hard to start' and when the windscreen needed a replacement, without a complaint.

19. It is prudent to obtain a report from LTA after for a thorough check before even asking another driver to drive it. In contrary to that, the General Manager of the Plaintiff said 'another driver drove it'. No evidence was called to prove the condition of the bus when Vijay Kumar left. Considering the type of defects contained in the P3 it is unlikely that the bus was without any of those defect when Vijay Kumar refused to drive it. It is unlikely that all the defects in P3 developed after Vijay Kumar, refused to drive 'defective bus'.
20. The two (2) articles published in the Fiji Sun on Page 8 & Page 15 titled are **“Ministry Probes Bus Company, Driver Refuses to Drive Defective Bus”** (first article) and **“Transport Companies Investigated, The Ministry of Labour is looking at working conditions”**.
21. The first article had main caption 'Ministry Probes Bus Company' and there is nothing false about it and by this time LTA had also found defects stated in P3 from an inspection on the road instead of calling and examining the bus as stated in P2 as 'action to be taken'. The sub title 'Driver Refuses to Drive Defective Bus' is also correct from the facts available at that time and even at the hearing the Plaintiff could not prove the defects stated in P3 were not in existence when Vijay Kumar refused to drive the said bus. The evidence adduced with regard to this article established that as at 2nd June 2014, there were defects with the bus which Vijay Kumar refused to drive. The Plaintiff did not produce any service records of the bus, which it could have done to prove the proper service and maintenance of the vehicle.
22. The General Manager of the Plaintiff, in his evidence confirms that he received a complaint stating that the bus registration No. Bus 060 was defective. He had also confirmed the 'Defect Order' (P3) and defects detected by roadside inspection. Why such a bus was allowed to be driven on road with such defects was not explained.
23. The article also mentions that the owner of Plaintiff Mr Arvin Maharaj had refused to comment on this issue and only stated that it was an internal matter. This statement had

been clarified in evidence by General Manager, when he stated that on one from Plaintiff had contacted him regarding the issue. 'P6' is a letter written by the solicitor for the Plaintiff to the Defendant. In that letter it had not stated that they were not contacted by the Defendant. The letter is comprehensive and there was no reason not to state any incorrect statement in the article if they denied such facts. So, it is safe to conclude that Mr. Arvin Maharaj was contacted by the newspaper before publication for their comments.

24. The article also states that whenever any damage happened to a bus, money was deducted from the respective bus driver's pay. The General Manger said that periodic payments are allowed as drivers are unable to bear the entire cost of repair by single payment, when damage is substantial. He also stated that he was not certain as to the mode of collection. In any event, this fact was recorded in the article as a statement from the driver. So any person reading it gets a clear understanding that fact was revealed by the driver and not as a confirmed fact.
25. It also mentioned the employment grievance which was lodged by Vijay Kumar at the Employment Relations Tribunal. This is admitted at hearing by the General Manager and he accepts that the article highlights a person's grievance ,
26. Addressing this document General Manager stated that he wrote letter to the LTA. No such letter was produced as evidence. He further stated that the "P3" is a LTA document which is an internal document and cannot be accessible by anyone, this cannot be accepted unless a person from the LTA confirms it. Even if it is an internal document, *ipsofacto*, it would not be defamatory and the burden is with the Plaintiff to prove that it is defamatory.
27. The next article titled '**Transport Companies Investigated, The Ministry of Labour is looking at working conditions**'. From the topic itself it is not directed to Plaintiff and it was an article directed to the industry in general. The basis of the said article was a written answer to the queries by the reporter. The said written email from the Ministry of

Labour marked as D1. The article in page 8 refers to this but that reference is justified as the Plaintiff was also investigated for 'overtime'.

28. There were investigations being conducted by the Ministry of Labour relating to transport companies generally. The article goes on to state that investigations and inspections have been conducted on 12 transport companies which includes "bus companies".
29. According to the said article, Plaintiff was under investigation by the Ministry of Labour, and this fact was admitted by the General Manager of the Plaintiff. So far as its content there was no falsehood and reference to the Plaintiff is also correct. In fact it was admitted that the Plaintiff was investigated for issues relating to 'overtime' and what aspects of overtime were investigated were not revealed.
30. There was no proof of false and malicious publication as alleged in the statement of claim.
31. The Plaintiff had failed to prove the allegations contained in the paragraph 10 of the statement of claim as regards to said articles and there was no malice and the facts reported in said articles were of public importance.
32. The articles were published in good faith without malice in the discharge of the Defendant's public duty as a newspaper. The Plaintiff is one of few bus companies that were selected to provide transport services to general public, hence their actions are open for public scrutiny. When a driver of a bus refuses to drive a bus and leave the bus company stating that it was defective cannot be a common occurrence in a bus company who maintains their buses properly. So, when the same bus was issued with "Defect Order" (P3) within 2 months from the refusal of the driver, the allegations of the driver cannot be rejected, and the reporter had inquired from all the stake holders including the Plaintiff and published the articles.

33. The matters addressed in the said articles are of public interest as commuters need to know about the buses they travel and how concern the management about the safety of the commuters among other things.
34. The matters of publication of and concerning the Plaintiff were matters of fair comment and were true and accurate based on the material within the knowledge, information and belief of the Defendants. The Plaintiff could not prove the content of the articles were false and or malicious. In the first article the complaint of the driver was reported and this reporting is justified by 'Defect Order' issued to the same bus the driver refused to drive less than 2 months from the incident. The said defects were detected on the roadside inspection and there was no evidence that those defects occurred after the driver refused to drive. If the buses are properly maintained such defects cannot occur suddenly specially the requirement to replace shock absorbers, windscreen, roof leaking and hard to start cannot occur in short time.
35. Without prejudice to what was stated in this judgment, the statement of Claim is defective in that the precise words complained of have not been set out. The Plaintiff has failed to plead a cause of action against the Defendants. The claim at Paragraph 9 merely reproduces the large parts of article published without referring to the words of which complaint is made of the respects in which they are alleged to be defamatory. Since I have held that there was no defamation the defective pleading would not make a difference to the outcome of this action.
36. The Plaintiff had alleged the articles in issue published by the 1st Defendant were 'falsely and maliciously' written. There was no proof that the contents were false or malicious. In *Lewis v Daily Telegraph* [1963] 2 All ER 151 at p 154 House of Lords (per Lord Reid) held,

'The leading case is *Capital and Counties Bank v George Henty & Sons* (1882), 7 App Cas 741 at p 745). In that case Lord Selborne LC said (1882), 7 App Cas 741 at p 745):

"The test according to the authorities is whether, under the circumstances in which the writing was published, reasonable men to whom the publication was made would be likely to understand it in a libelous sense.

Further held (Per Lord Reid)

'In *Nevill v Fine Art and General Insurance Co*, Lord Halsbury said ([1897] AC 68 at p 72):

"What is the sense in which any ordinary reasonable man would understand the words of this communication so as to expose the plaintiff to hatred or contempt or ridicule?"

It is not enough to say that by some person or another the words might be understood in a defamatory sense [[1897] AC at p 73]."

These statements of the law appear to have been generally accepted and I would not attempt to restate the general principle.(emphasis added)

37. In *DDSA Pharmaceuticals Ltd v Times Newspapers Ltd & Another*[1972] 3 All ER 417 Lord Denning struck out the statement of claim as embarrassing and defective and held at p 419

*'In the first place, there ought to have been an innuendo pleaded. This article is capable of many different meanings—so many that it was necessary for the fair conduct of the trial that there should be pleaded a 'popular' or 'false' innuendo, or whatever you like to call it. In that innuendo the plaintiffs should set out the meaning or meanings which they say the words bear. That is necessary, not only for the fair conduct of the trial, but also to enable the defendant to know what to plead, whether to plead justification or fair comment or to apologize. I need not go through all the cases. They are *Allsop v Church of England Newspapers*; *S and K Holdings Ltd v Throgmorton Publications Ltd*; and also *Associated Leisure Ltd v Associated Newspapers Ltd*. Those cases establish that in most cases, if not all, it is necessary for the plaintiffs, even when they rely only on the natural and ordinary meaning of the words, to plead an innuendo setting out what they say is the natural and ordinary meaning of the words. This is just such a case.*

In the second place, the pleading is defective because it throws—and I use that word deliberately—on to the defendant a long article without picking out the parts said to be defamatory. Some of the article is not defamatory of anyone at all. It describes only the method of importing drugs. Other parts of the article are defamatory of some unnamed chemists, but not of the plaintiffs at all. Yet other parts may be defamatory of the plaintiffs. To throw an article of that kind at the defendants and indeed at the court—without picking out the particular passages, is highly embarrassing.'
(emphasis added)

38. The Plaintiff had not picked statements and words from the article but in general states each parts of article pleaded in the ordinary and natural meaning denoted the meaning contained in paragraph 10 of the Statement of Claim. This is not as same as pleading the defamatory statements or words. The article that refers to investigations of all bus companies had only one reference to the Plaintiff so a large part of statement cannot be defamatory. The pleaded part of the said article published in the page 15 comprised a major part of the said article and the Plaintiff cannot claim for other bus operators. At the same time investigations about the bus companies were confirmed by the Ministry of Labour in writing to the reporter. The fact that bus operators are under investigation does not mean that they are guilty of anything until a finding is made against them. The readers are intelligent enough to understand such a thing. By not pleading what was defamatory in the said articles the Plaintiff has not pleaded its cause of action properly.
39. So, the pleadings are defective though I am not going to strike out the action for that reason, since I have held that the publications referred in the statement of claim are not defamatory to the Plaintiff.

CONCLUSION

40. The Plaintiff has not proved that the pleaded articles are false and malicious. It was held² that ‘... editorial decisions and judgments made at the time, without the knowledge of falsity which is a benefit of hindsight³, ...’ are relevant and ‘ Weight should ordinarily be given to the professional judgment of an editor or journalist in the absence of some indication that it was made in a casual, cavalier, slipshod or careless manner.’⁴ The Defendant as a newspaper had published the articles that have public importance. The conduct of the Plaintiff cannot be immune from public scrutiny as it is engaged in a business that is integral part of the society. So the reporter after contacting the stake holders and also obtaining written statements from the relevant ministry and had published the facts stated in the article and the source of information is correctly

² *Jameel and another v Wall Street Journal Europe SPRL* [2006] 4 All ER 1279(House of Lords) per Lord Bingham at p1291

³ *ibid*

⁴ *Jameel and another v Wall Street Journal Europe SPRL* [2006] 4 All ER 1279(House of Lords) per Lord Bingham at p1291


identified. In the circumstances the action is dismissed and the Plaintiff is ordered to pay a cost of \$5,000 assessed summarily.

FINAL ORDER

- a. The statement of claim is dismissed and struck off.
- b. The cost summarily assessed at \$5,000.

Dated at Suva this 4th day of November, 2016




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Justice Deepthi Amaratunga
High Court, Suva