

**IN THE HIGH COURT OF FIJI**  
**WESTERN DIVISION**  
**AT LAUTOKA**

**Civil Action No. 11 of 2008**

**BETWEEN** : **VIJENDRA MANI** Driver, Technician.

**PLAINTIFF**

**AND** : **SUBHAS CHANDRA SHARMA** trading as **SHARMA**  
**MUSIC CENTRE** of Nadi Town.

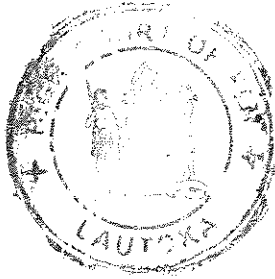
**DEFENDANT**

**R U L I N G**

1. This is a case where the plaintiff suffered injuries as a result of a motor-vehicle accident, allegedly, during and in the course of his employment with the defendant. He sues his defendant employer accordingly.
2. The pleadings in this case are closed and the matter is almost ready for trial. There are some issues between counsel regarding the Pre-Trial Conference Minutes.
3. A set of Pre-Trial Conference Minutes dated 18 March 2009 executed by Mishra Prakash & Associates for the plaintiff and Babu Singh & Associates who were then acting for the defendants, is on file. At the time, the plaintiff had compiled and filed Copy Pleadings.
4. On 28 July 2009 however, Suresh Maharaj & Associates were appointed Solicitors for the defendant. On 09 November 2009, Suresh Maharaj & Associates filed an application to amend their Statement of Defence. On 11 December 2009, a Consent Order was entered giving leave to the defendant to amend their defence and file counter-claim. The reply to the amended defence and the defence to counter-claim were filed on 26 February 2010 and on 26 March 2010, the Reply to Defence to Counter-Claim was filed.
5. It was at that stage that the new counsel for the defendants, who, I believe was embarking on a subrogated defence of the matter for Sun Insurance Company Limited, for which the defendant company, apparently, had a workmen's' compensation cover for its employees, began to revisit the Pre-Trial Conference Minutes executed earlier by the former solicitors of the defendant

and would find issues with some parts of the concessions made therein for and on behalf of the defendant.

6. I think the most appropriate thing to do now is to set a date for mention to see if the parties can agree to a set of PTC Minutes. If not, the only other alternative is to dispense with PTC and to proceed to setting a trial date.
7. Case adjourned to Wednesday 12 October 2016 for mention.



A handwritten signature in black ink, appearing to be 'Anare Tuilevuka', written over a horizontal dotted line.

Anare Tuilevuka  
**JUDGE**  
05 October 2016.