

IN THE HIGH COURT OF FIJI
AT LAUTOKA
WESTERN DIVISION

CIVIL ACTION NO. HBC 211 OF 2011

BETWEEN : **WARICK LEE McCALLION** of FASA Subdivision, Nadi,
Director.

1ST PLAINTIFF

A N D : **PACIFIC VENDING LIMITED** a limited liability company
having its registered office at Lautoka.

2ND PLAINTIFF

A N D : **GLENN CLIFFORD SMITH** of Waqavuka Road, Namaka,
Nadi, Director.

1ST DEFENDANT

A N D : **BIMAL PRASAD** of Pacific Embroidery Limited, Martintar,
Nadi, Accountant.

2ND DEFENDANT

A N D : **PACIFIC EMBROIDERY (Fiji) LIMITED** a limited liability
Company having its registered office at Namaka, Nadi.

3RD DEFENDANT

A N D : **LOUISE JOSEPH** (other particulars not known to the plaintiff)

4TH DEFENDANT

A N D : **RASER CHARTERS (FIJI) LIMITED** a limited liability
company having its registered office at Jay Lal & Co. 21 Tui St.
Marine Drive, Lautoka

5TH DEFENDANT

A N D : **FINEST LIQUOR (FIJI) LIMITED** a limited liability company
having its registered office at Jay Lal & Co. 21 Tui St. Marine
Drive, Lautoka.

6TH DEFENDANT

A N D : **PLAY PACIFIC (FIJI) LIMITED** a limited liability company
having its registered office at Jay Lal & Co. 21 Tui St. Marine
Drive, Lautoka.

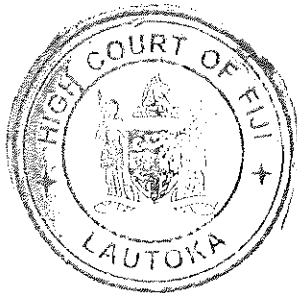
7TH DEFENDANT

A N D : **WESTPAC BANKING CORPORATION LIMITED** a
Financial institution having its headquarters in Suva.

8TH DEFENDANT

RULING

1. Further to my last Ruling on this matter dated 7 April 2017, by which ruling I had extended the mareva injunctive Orders of Inoke J, I further make the following observations.
2. The said Mareva Injunction was varied somewhat following the lifting of the “stop departure” orders against Mr Smith who has had to travel to New Zealand for urgent medical reasons and has since remained there for on-going treatment and monitoring of his cancer. However, the other orders of Inoke J remain and are extended until further orders.
4. An *inter-parte* summons was filed on 16 March 2016 for and on behalf of Ms Louise Joseph. By that summons, Ms Joseph was seeking orders to allow her to travel to New Zealand to support Mr. Smith who is Ms. Joseph’s *de-facto* partner.
5. The records appear to indicate that Mr Justice Ajmeer J had granted Order in Terms on Ms. Joseph’s application and that she did subsequently travel to New Zealand as a result. However, as for Smith, the other aspects of the Mareva Injunction continue against Ms. Joseph.
6. As for the first defendant, Mr. Bimal Prasad, there seems no reason now why the same Orders cannot be extended to him.
7. Accordingly, I order that that part of the Mareva injunction which forbids Prasad from travelling out of Fiji (Stop Departure Order) be lifted henceforth on the proviso that the other aspects of the injunction are to continue also against Prasad.
8. I also order that the default judgement entered against the plaintiffs be set aside forthwith. The plaintiffs are to file and serve a defence to the counter-claim in 14 days and 14 days thereafter to the defendant to file reply. Case adjourned to June 29 2017 at 10.30am for directions.



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Anare Tuilevuka

JUDGE

02 May 2017.