

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

**Civil Action No. HBA 12 of 16**

**(SCT Claim No. 95/16)**

**(MC Civil Appeal No. 13/16)**

**BETWEEN** : **Sarojni Devi, Sabeto, Lautoka.**

**APPELLANT**

**A N D** : **The Chief Executive Officer, Fiji Electricity Authority.**

**RESPONDENT**

**Appearances** : Appellant in Person  
Mr R. Kumar for the Respondent

**Date of Hearing** : 15 May 2017

**Date of Ruling** : 15 May 2017

**R U L I N G**

[1] This ruling relates to a petition written by the Appellant seeking to re-appeal the matter. The Appellant has written an undated handwritten letter addressed to the court.

[2] The court, treating the letter as a petition filed by the Appellant to re-appeal the matter, caused the same to be issued for service on the Respondent. Accordingly, the same was served on the Respondent. The matter was listed for hearing at 9.30am on 15 May 2017.

- [3] Today (15 May 2017), when the matter was taken up for hearing, the Respondent appearing through Counsel, Mr Kumar submits that the Small Claims Tribunal (“SCT”) dismissed her claim. She appealed to the Magistrate’s Court and the Learned Magistrate after hearing dismissed her appeal as frivolous and abuse of process. She then appealed the order of the Magistrate’s Court to this Court and subsequently informed the court that she is willing to withdraw the appeal. The court allowed the application to withdraw and dismissed the appeal accordingly, but without costs.
- [4] By her undated petition, which the Registry received on 18 April 2017, the petitioner states that “she would say to re-appeal in the action” on the ground that:
- “The Fiji Electricity Authority of Fiji had deducted the sum from my deposit while the Court had failed to mention in Order to Fiji Electricity Authority to dismiss the over charges and the Bill of March which no power due to Cyclone Winston”*
- [5] The Appellant withdrew her appeal unconditionally. The Court explained to the appellant the consequences of the withdrawal in the Hindustani language as she appeared in person. The appellant, having fully understood the consequences of the withdrawal, re-confirmed her withdrawal application.
- [6] The Court granted leave to the Appellant to withdraw the appeal and accordingly dismissed the appeal without costs. Upon dismissal

following withdrawal, the court cannot make any order against the Respondent.

[7] There is no procedure to re-appeal. This court has no jurisdiction to reconsider the appeal which has been dealt with by this court. Furthermore, there is no procedure to re-appeal to the same court which has already decided the appeal.

[8] For the foregoing reasons, I dismiss the petition to re-appeal. I make no order as to costs.

**Final Orders**

1. Application to re-appeal dismissed.
2. No order as to costs.

*M H Mohamed Ajmeer* 15/5/17  
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**M H Mohamed Ajmeer**

**JUDGE**

**At Lautoka  
15 May 2017**

