IN THE HIGH COURT OF FIJI
AT LAUTOKA
APPELLATE JURISDICTION

Civil Appeal No. HBA 1 of 2016

[On an Appeal from the Land Transport Appeals Tribunal sitting at Lautoka in Appeal No. 61 and 68 of 2014 and 9 of 2015]

BETWEEN: LAND TRANSPORT AUTHORITY

RESPONDENT/ APPELLANT

AND : SUNBEAM TRANSPORT LIMITED, PACIFIC TRANSPORT LIMITED and PARADISE TRANSPORT LIMITED

APPELLANTS/ RESPONDENTS

Appearances : Ms N. Khan for the applicant
Mr R. Singh for the first respondent
Mr R. Prakash for the second respondent
Mr C. Yee on instructions of Messrs R. Patel Lawyers for the third respondent

Date of Hearing : 18 October 2017
Date of Ruling : 18 October 2017

RULING

[01] This is an application for joinder made by Kadar Buksh Limited ("*KBL*") supported by an affidavit. KBL wants to be an intervener in this appeal. The appeal is from the Land Transport Appeals Tribunal ("*LTAT*"). KBL was a party to the proceedings in LTAT.

[02] The application is opposed by the respondents.

[03] The Land Transport Authority ("*LTA*"), the appellant has filed an appeal in this court against a decision of LTAT where the Tribunal cancelled the route permit issued to KBL by LTA. KBL was an interested party to the proceedings in the Tribunal. Although the tribunal's decision was against KBL, KBL did not mind to appeal that decision for one reason or the other. Only LTA has preferred an appeal to this court against the Tribunal's decision but without making KBL as an interested party.

[04] KBL should have appealed the decision of the Tribunal if they were affected by that decision. In fact, the decision of the Tribunal is against KBL. It is the route permit that was issued to KBL was cancelled by the Tribunal. KBL did not mind to appeal that decision. Without appealing the Tribunal's decision, they apply for joinder as a party – as an interested party to the appeal. KBL in its affidavit in support simply states that they are the most interested party with no explanation being given. They should be allowed to intervene as an interested party. KBL has not submitted the grounds on which they are going to argue if they are joined as an interested party.

[05] KBL's joinder application is coming after 11 months of the Tribunal's decision and after the respondent had made an application to strike out the appeal on the

ground that the appeal is defective and not each interested party is cited in the appeal.

[06] The joinder appeal has no sufficient grounds, no explanation why they should be joined as an interested party. Simply stating on the affidavit that they are the most interested party is not sufficient.

[07] For the reasons stated above, I would refuse the joinder application.

[08] The applicant (KBL) will pay summarily assessed costs of $500.00 each to the first and second respondents.

Final Outcome

1. The application for joinder made by KBL is refused.
2. The applicant (KBL) will pay summarily assessed costs of $500.00 each to the first and second respondents.

18/10/17

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M.H. Mohamed Ajmeer

JUDGE

At Lautoka

18 October 2017