

In the High Court of Fiji at Suva  
Civil Jurisdiction

Civil Action No. 338 of 2017

Between  
Hans Eggenberger  
Applicant

And  
Strandparadies Stiftung  
Respondent

Counsel: Mr Shelvin Singh for the applicant

Date of hearing: 5<sup>th</sup> April, 2018

Date of Judgment: 11<sup>th</sup> April, 2018

### Judgment

1. The applicant, by ex parte originating summons "*made under section 62(12) of the Companies Act, 2015, and the inherent jurisdiction of the Court*" seeks the following orders:
  1. *That the Order of the Office of Justice, Principality of Liechtenstein made on 16 May 2017 appointing the Applicant as the Liquidator of the Respondent be resealed in Fiji.*
  2. *The Application appoint such person or persons to be liquidators for the purposes of complying with the Fiji Companies Act 2015 and/or private international law.*
  3. *That there be a sale of the property comprised in certificate of title no. 15177 to Hong Zee Han.*
  4. *The net sale proceeds be dealt with at the Applicant's direction.*
  5. *Such further and/or other orders as this Honourable Court deems just and necessary.*
  6. *The costs of this application be costs in the cause.*
  
2. The applicant, in his affidavit in support states that "*Standparadies Anstalt*", an establishment incorporated in Liechtenstein was converted into a foundation known as "*Strandparadies Stiftung*", the respondent. On 13<sup>th</sup> December, 2013, the respondent "*Company was cancelled by the Princely Court of Justice, Principality of Liechtenstein*". The applicant was appointed as Liquidator on 16<sup>th</sup> May, 2017. The only asset belonging to the respondent is property in CT No. 15177, Lot 3 on DP 3961. A buyer was found for the Fiji property. The sale requires the sanction of the Courts of Fiji. The applicant appoints "*Mr Shelvin Amit Singh of Shelvin Singh Lawyers to act as his agent, attorney and liquidator of the Company in the Republic of Fiji Islands (" Fiji Liquidator")...to conduct the sale... for the sum of \$1,150,000.00*".

***The determination***

3. At the hearing, Mr Singh, counsel for the applicant conceded that section 62(12) of the Companies Act, 2015, has no application to the instant case. Section 62(12) deals with foreign companies registered in Fiji. Accordingly, Mr Singh abandoned the application for a Liquidator to be appointed.
4. Mr Singh submitted that he seeks that the Order of the Office of Justice, Principality of Liechtenstein of 16 May, 2017, be resealed in Fiji, under the inherent jurisdiction of the Court, as there is no reciprocal enforcement of judgments between Fiji and Liechtenstein.
5. The Reciprocal Enforcement of Judgments Act, 1922, provides for the registration of judgments of the Courts of the countries expressly referred to in sections 3 and 7 of the Act. Liechtenstein is not included.
6. In my view, the inherent jurisdiction of the Court cannot be invoked for the purpose of adding a country not covered in the Reciprocal Enforcement of Judgments Act.
7. It follows and I hold that the Order cannot be resealed in a Court in Fiji.
8. The next relief sought is for an order of sale of a property in Fiji. Mr Singh stated that prospective purchasers are unwilling to purchase the property, without an order of a Court. This application is redundant, as the Liquidator is not required to obtain an order of Court to sell the property.
9. **Order**
  - a. The applicant's summons is declined.
  - b. I make no order as to costs.



*A.L.B. Brito-Mutunayagam*

**A.L.B. Brito-Mutunayagam**  
**Judge**

**11<sup>th</sup> April, 2018**