

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CIVIL JURISDICTION**

Civil Action No. HBE 03 of 2011

**BETWEEN** : **STEPHEN MALLERICH** Kennedy Avenue, Nadi,  
Businessman.

**Petitioner**

**AND** : **BLUE TURTLE WATERSPORTS LIMITED** a limited  
company having its registered office at level 3, Aliz Centre,  
Martintar, Nadi.

**Respondent**

Counsel: : Lowing & Associates for the Petitioner  
Faiz Khan Lawyers for the Respondents

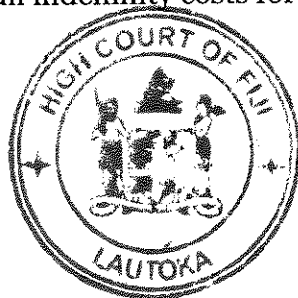
**R U L I N G**

1. The background to this is set out in my earlier ruling in **In re Blue Turtle Watersports Ltd, Wilkinson v O'Dell** [2014] FJHC 328; Winding Up 03.2011 (14 May 2014).
2. Stephen Mallerich was a minority shareholder in Blue Turtle Watersports Limited, a limited liability company having its registered office at Level3, Aliz Centre, Martintar, Nadi, Fiji.
3. He had petitioned the Court for various orders seeking relief against the oppression he allegedly was suffering in the company in the hands of the majority shareholders.
4. Mallerich was aggrieved at his unlawful removal from his position in the company as director and consequently, from any involvement in the management of the company.
5. He alleged that he had been deprived of information about the company in circumstances where the respondents and other shareholders were clearly preferring their own vested interests.
6. Orders were made in December 2012.

7. I have already opined that in the circumstances of this case, he was entitled to indemnity costs.
8. Mallerich's solicitors have filed submissions on indemnity costs. They have attached various invoices for attendances to Mallerich as well as disbursements.

<b>Date</b>	<b>Account No.</b>	<b>Amount</b>
28/02/11	F00904	\$ 4,980 - 00
31/07/11	F00904	\$ 325 - 82
31/08/11	F00904	\$ 2,139 - 55
01/09/11	F00904	\$ 786 - 60
31/10/11	F00904	\$ 517 - 50
02/01/12	F00904	\$ 305 - 32
29/02/12	F00904	\$ 1,460 - 50
30/04/12	F00904	\$ 2,709 - 97
31/05/12	F00904	\$ 1,758 - 35
30/06/12	F00904	\$ 1,016 - 19
31/08/12	F00904	\$ 412 - 82
30/09/12	F00904	\$ 6,422 - 75
31/10/12	F00904	\$ 1,929 - 12
30/11/12	F00904	\$ 1,155 - 75
28/02/13	F00904	\$10,751 - 92
31/03/13	F00904	\$ 1,229 - 03
31/08/13	F00904	\$ 207 - 00
30/09/13	F00904	\$2,896 - 45
31/10/13	F00904	\$ 855 - 94
30/11/13	F00904	\$ 188 - 02
31/01/14	F00904	\$1,371 - 49
28/02/14	F00904	\$ 665 - 85
31/03/14	F00904	\$ 276 - 00
30/04/14	F00904	\$ 295 - 55
<b>TOTAL</b>		<b>\$50,693 - 10</b>

9. Of the above amount, Mallerich has settled \$24,894-37. The balance owing is \$25,798.69.
10. I award full indemnity costs for the full sum of \$24,894-37.



*[Handwritten Signature]*  
 Anare Tuilevuka  
**JUDGE**

31 May, 2018.