

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

**CIVIL APPEAL NO. HBC 67 OF 2015**

(on appeal from the High Court of Fiji  
at Lautoka in the matter Civil Action  
No. HBC 67 of 2015)

**BETWEEN** : **ANANTH AVIRAM REDDY** of Lautoka, Engineer/Law  
Graduate and Businessman.  
**APPELLANT (ORIGINAL DEFENDANT)**

**AND** : **DEO CONSTRUCTION DEVELOPMENT COMPANY**  
**LIMITED** a duly registered limited liability company having its  
registered office at Lot 11, Industrial Sub Division, Denarau  
Island, Nadi.

**RESPONDENT (ORIGINAL PLAINTIFF)**

**Appearances** : Mr R. Singh for the appellant  
Mr R. Charan for the respondent  
**Date of Hearing** : 11 July 2018  
**Date of Ruling** : 11 July 2018

## **R U L I N G**

[on interim stay]

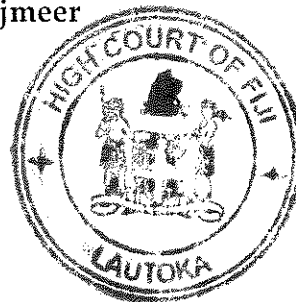
[01] This is an application for a stay on execution of the judgment delivered by the learned Master on 18 March 2016, pending determination of the application for enlargement of the time for appeal. The application is supported by an affidavit of Mr Ananth Aviram Reddy. The application is filed pursuant to O 59, R 16 of the High Court Rules 1988, as amended ('HCR') and under the inherent jurisdiction of the court.

- [02] Mr Charan appearing for the respondent says his principal was not served with the application.
- [03] On the other hand, Mr Singh, counsel for the applicant submits that initially this application was filed *ex parte*, however it has been issued for service. He further submits that there has been urgency in the matter as the respondent has filed a bankruptcy application in the Magistrate's Court based on the judgment against which leave to appeal out of time is being filed.
- [04] The HCR, Order 59, Rule 16 (1), states that: the filing of a notice of appeal or an application for leave shall not operate as a stay of execution or proceedings, or any step therein, unless the Court so directs.
- [05] Having carefully considered the application, the affidavit filed in support and the submissions put forward in court, I am satisfied that there is urgency in the matter as the applicant is facing a bankruptcy application and that the bankruptcy application would cause hardship to the applicant if an interim stay of execution is not granted. I would, therefore, grant an interim stay of execution, pending determination of the application.

*M.H. Mohamed Ajmeer*  
*11/7/18*  
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**M.H. Mohamed Ajmeer**

**JUDGE**



**At Lautoka**  
**11 July 2018**

**Solicitors:**

For applicant: M/s Patel & Sharma Lawyers, Barristers & Solicitors

For respondent: M/s A K Lawyers, Barristers & Solicitors