

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

CIVIL ACTION NO. HBC 313 OF 2005L

**BETWEEN**      **NATALIE KATZMANN** formerly of Harvester Road, Vitogo, Lautoka, but now of 74 Adelaide Street, Oxley Park NSW 2760, Australia, Assistant Manager.

**PLAINTIFF**

**AND**              **BARSTOCK INVESTMENTS (FIJI) LIMITED** a limited liability company having its registered office at Vuda Point, Lautoka.

**DEFENDANT**

**Appearances**     : Ms V. Lidise for the applicant  
                               Mr P. Chauhan on instructions of Munro Leys for the respondent  
**Date of Hearing** : 1 August 2018  
**Date of Ruling** : 1 August 2018

**R U L I N G**

[On adjournment]

- [01] This is an application for the vacation of the trial dates fixed next week from 6 to 10 of August, a 5-day trial, supported by an affidavit of Natalie Katzmann, the plaintiff, sworn on 19 July 2018. The plaintiff seeks the adjournment on the ground of Dr Harry Mayr's (the plaintiff's expert witness) inability to give evidence in this matter either in person or via Skype due to his illness.
- [02] The plaintiff in evidence in the support of the application deposes to the fact that her attempts to obtain further information on Dr Harry Mayr's illness, the confidentiality and privacy laws and policies in Australia have prevented her from receiving any further information.
- [03] The application is made pursuant to the inherent jurisdiction of the court.

[04] Mr Chauhan of counsel appearing for the defendant informs the court that the defendant does not object to application being allowed.

[05] The High Court Rules 1988, as amended, O 35, R 3, allows the court to adjourn a trial for another date if it considers it expedient in the interest of justice.

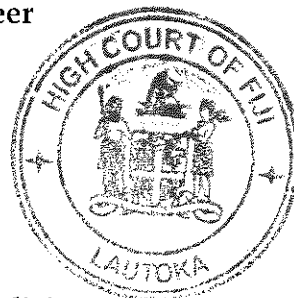
[06] The plaintiff's material witness is unable to give evidence either in person or via Skype at the trial due to his illness. This is not challenged by the defendant. In the circumstance, I consider it would be expedient in the interest of justice to adjourn the trial fixed next week until November 2018. I accordingly vacate the trial dates from 6 to 10 of August and adjourn the trial until November. I now set down new trial dates, which is at 9.30am on 23 & 26 and 29 & 30 of November 2018. I would make no order as to costs.

**The result**

1. Next week trial dates vacated.
2. The matter adjourned for hearing (Trial) at 9.30am on 23, 26, 29 & 30 November 2018.
3. The plaintiff must pay the hearing fee 14 days before the trial date.
4. No order as to costs.

*Helloujios*  
*1/18/18*

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**M.H. Mohamed Ajmeer**  
**JUDGE**



**At Lautoka**  
**1 August 2018**

Solicitors:

For the plaintiff/applicant: M/s Young & Associates, Solicitors

For the defendant/respondent: M/s Munro Leys, Solicitors