

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

**CIVIL ACTION NO. HBC 19 OF 2016**

**BETWEEN** : **SATYA SIWAN GOUNDAR** of Navo, Nadi in Fiji, Transport  
Manager.

**PLAINTIFF**

**AND** : **ARUMUGAM** of 3 Leith Court, Manukau City, Auckland, New  
Zealand.

**FIRST DEFENDANT**

**AND** : **TAMENDRA GOUNDAR** of 3 Leith Court, Manukau City,  
Auckland, New Zealand.

**SECOND DEFENDANT**

**Appearances** : Mr D. Nair for the applicant/defendants  
Ms M. Sukanaivalu for the respondent/plaintiff

**Date of Hearing** : 8 February 2019

**Date of Ruling** : 8 February 2019

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

[on leave to file statement of defence out of time]

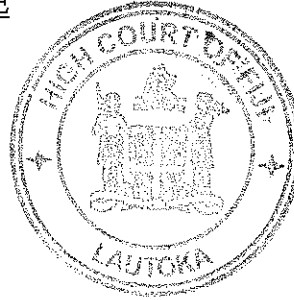
- [01] This is an application by the first defendant supported by an affidavit to file and serve his statement of defence out of time.
- [02] The plaintiff has not objected to that application. Ms Sukanaivalu of counsel for the plaintiff informed the court that she is not objecting the first defendant's application seeking leave to serve a defence out of time.
- [03] The court has the discretion, on such terms as it thinks just, to extend or abridge the period within which a person is required or authorised by the High Court Rules ('HCR'), or by any judgment, order or direction, to do any act in any proceedings (see HCR O 3, R 4).

- [04] I would, by consent, grant leave to the first defendant to file and serve the statement of defence on the plaintiff out of time. Accordingly, the first defendant will file and serve his statement of defence within 7 days of this ruling. The plaintiff may file and serve reply to the statement of defence filed by the defendants within 7 days thereafter.
- [05] The matter will take its normal course. The matter is to be transferred to the registry.

*M.H. Mohamed Ajmeer*  
8/2/19

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

**At Lautoka**  
**8 February 2019**



Solicitors:

For the applicant/defendants; M/s. Sairav Law

For the respondents/plaintiff; M/s. Lal Patel Bale Lawyers