

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

CIVIL ACTION NO. HBC 121 OF 2018

BETWEEN : **MAHENDRA DEO** of Lot 27 Fairway Palms, Denarau Island, Nadi,
Fiji, Engineer/Director/Businessman.

PLAINTIFF

AND : **SHAREEN LATA HANS** aka **SHAREEN LATA DEO** of Lot 17,
The Links, Denarau, Nadi, Businesswoman.

DEFENDANT

Appearances : Mr A.K Narayan (Jnr) for the plaintiff
Mr D. Nair for the defendant

Date of Hearing : 1 August 2019

Date of Ruling : 1 August 2019

R U L I N G

[on withdrawal]

- [01] This is an application for stay pending appeal.
- [02] The application came on for hearing today, when counsel for the defendant, Mr Nair sought to withdraw the application.
- [03] While consenting to the application for withdrawal, Mr Narayan counsel for the plaintiff seeks costs of \$4,000.00 on the basis that he has made an application for striking out of their application and that he has prepared for the hearing with case authorities.
- [04] Mr Nair then submits that the court has unfettered jurisdiction to order for costs, and cost order should be reasonable in the circumstances.
- [05] Unless the court orders otherwise, the defendant is liable for the plaintiff's costs from the date of service of the application up to the date of withdrawal.

[06] The defendant withdraws her application for stay pending appeal. The plaintiff seeks costs, for they have filed an application to strike out their application for stay and have prepared for the hearing with case authorities. I consider all and summarily assessed costs at \$1,500.00. I would dismiss the stay application and summons to strike out filed by the plaintiff with summarily assessed costs of \$1,500.00 payable by the defendant to the plaintiff within 21 days.

The result

1. Stay application filed by the defendant is dismissed.
2. Striking out application filed by the plaintiff is also struck out.
3. Defendant shall pay the summarily assessed costs of \$1,500.00 to the plaintiff within 21 days.

M.H. Mohamed Ajmeer
1/8/19

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M.H. Mohamed Ajmeer

JUDGE

At Lautoka
1 August 2019

Solicitors:

AK Lawyers, Barristers & Solicitors for the plaintiff
Sairav Law Solicitors for the defendant

