

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

CIVIL ACTION NO.: HBC 324 OF 2011

BETWEEN : SELAU VALENTINE AKA TANISELAU CELAU
PLAINTIFF

AND : JOELI DRUMA
DEFENDANT

APPEARANCES/REPRESENTATION

PLAINTIFF : Mr A Prasad [Lal/Patel/Bale Lawyers]

DEFENDANT : Ex-parte

RULING OF : Acting Master Ms Vandhana Lal

DELIVERED ON : **01 June 2020**

INTERLOCUTORY RULING

1. On 07th November 2019, the Plaintiff's latest appointed solicitors filed an Ex Parte Notice of Motion seeking orders as follows:

(i) *That the paragraph (3) of the default judgment order of on or about 19th March 2012 of HBC 324 of 2011 be amended and read as follows:*

“Declaration that the first defendant had no power or proper locus standi to deal with the estate of the late Thomas Valentine and that the purported dealings by the defendant specifically over the property comprised in Certificate of Title No. 18236 was fraudulent and lawful.”

(ii) *The Registrar of Titles strike out and cancel dealings Nos. 405097 and No. 429126 on Certificate of title No. 18263.*

2. Upon perusal of the said default judgment, I note that paragraph 3 of the said judgment reads as follows;

“Declaration that the first defendant had no power or proper locus standi to deal with the estate of the late Thomas Valentine and that the purported dealings by the defendant specifically over the property comprised in certificate of title No. 18236 was fraudulent and unlawful.”

3. The title mentioned by the Plaintiff in the statement of the claim is for Certificate of Title No. 18263 [paragraph 1 of the claim] and Certificate of Title. 18236 in the prayer.

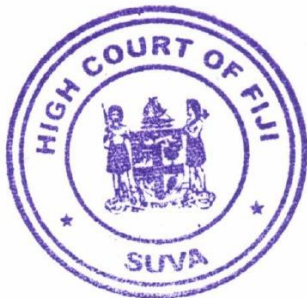
4. The said application is made under Order 20 Rule 10 of the High Court Rules which reads:

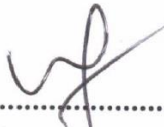
“Clerical mistakes in judgment or orders, or errors arising therein from any accidental slip or omission may at any time be corrected by the court on motion or summons without an appeal.”

5. I do not find this to be a clerical error. The default judgment so entered was in accordance with what was prayed for in the Statement of Claim.

6. Without amending its claim, I do not find the Plaintiff is entitled to make application for correction of the order.

7. Hence the application shall fail and is dismissed.




.....
Vandhana Lal [Ms]
Acting Master
At Suva.