

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

**HBC 16 of 2021**

**BETWEEN:**            **ABDUL ABBAS** of Zion Hall, Natadola, Farmer.

**PLAINTIFF**

**A N D:**                **PETRIE LIMITED** a duly incorporated company having its registered office in Sigatoka.

**DEFENDANT**

Appearances:            Mr. A. J. Singh for the Plaintiff  
                                 Mr. N. Kumar for the Defendant  
Date of Hearing:         01 April 2022  
Date of Ruling:         13 July 2022

**R U L I N G**

1. Before me is an application to reinstate on the cause list an application for injunction.
2. The injunction application was struck out on 22 September 2021 on account of the applicant's non-appearance and non-compliance with a previous direction to file and serve a supplementary affidavit.
3. The injunction application in question was filed ex-parte on 20 July 2021 and was supported by an affidavit of one Jehnend Kumar sworn on 07 July 2021.
4. The application was returnable on 22 July 2021.
5. However, on 22 July 2021 after hearing Ms. Sonika and Mr. Krishna for the applicant, I denied that I would hear the application inter-parties.
6. No orders were granted on the application on 22 July 2021. Instead, I directed the applicant as follows:
  - a) to serve all documents on the Plaintiff / Respondent by close of business on the same day.
  - b) to file and serve a supplementary affidavit by 27 July 2021.
  - c) Registry to re-date the summons to 30 July 2021 for hearing at 10.30am.
7. The case was not called on 30 July 2021. It is not clear from the records why it was not called.

8. However, it was called on 09 August 2021. On that date, Ms. Sonika and Mr. Krishna appeared for the Defendants. There was no appearance for the Plaintiff. Ms. Sonika advised though that the firm had served Mr. Anil J. Singh. Notably no supplementary affidavit had been filed.
9. Ms. Sonika however advised that they had a supplementary affidavit ready but could not file it as the Registry was closed.
10. I then adjourned the case to 20 August 2021 for hearing.
11. Meanwhile, the Plaintiff filed an affidavit in opposition on 09 August 2021.
12. On 09 August 2021, the supplementary affidavit of Jehnend Kumar was filed.
13. Mr. Abbas filed an affidavit in opposition to the supplementary affidavit on 12 August 2021.
14. On 20 August 2021, Mr. Singh appeared for the Plaintiff. There was no appearance by the Defendant / Applicants.
15. I then adjourned the application to 08 September 2021 for mention to fix a hearing date.
16. On 08 August 2021, Ms. Koila appeared for the Plaintiff. There was no appearance by the Defendant.
17. I then adjourned the matter to 22 September 2021.
18. On 22 September 2021, Mr. Singh appeared for the Plaintiff. There was no appearance for the Defendant. I then struck out the injunction application.
19. I have read the submissions of both parties and after considering all, I exercise my discretion to reinstate the injunction application.
20. However, I feel the Plaintiffs are entitled to costs which I summarily assess at \$300.00 (Three Hundred Dollars Only).



Anare Tuilevuka  
**JUDGE**  
Lautoka

**13 July 2022**