

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

CIVIL ACTION NO. HBC 186 OF 2022

BETWEEN: **VILIAME VIKOSO** of Namotomoto Village, Nadi, Turaga in Yavusa Tukani representing Yavusa Tukani and its members, **NEMANI DAWAI** of Namotomoto Village of Yavusa Botiluvuka representing Yavusa Botiluvuka and its members, **EPELI SAUKURU II** of Navoci Village, Nadi, Turaga ni Yavusa Noi Naoiqoro representing Yavusa Noi Naoiqoro and its members, collectively as representatives of the members of Vanua o Nakovacake

PLAINTIFF/ APPLICANTS

AND: **MOSESE VARASIKETE** of Tokatoka Vunasowaqa, **NAPOLIONI VATUNITU** of Tokatoka Nasoso, **ISIRELI MASI** of Tokatoka Naviqwa, **REAMA ULUINADI** aka **REAMA ULUINADI SAMUSAMUVODRE** of Tokatoka Vuniyawa, **SAILASA VUADOMO** of Tokatoka Natogo, **VERENAISI VIKOSO** of Tokatoka Naboumoli, **TAINA SAMOCE** aka **TAINA NADAITOGA** of Tokatoka Yavulo, **NAVITALAI BALEIWAI** of Tokatoka Vunatoutou, **JOELI VATUNITU** of Tokatoka Natuatamata, **TOMASI NAULUMATUA DAWAI** of Tokatoka Natatoka, **MESAKE TURUVA** of Tokatoka Nasava, **WAISAKE LABELABA SAUKURU** of Tokatoka Vunamasei, **ESETA KURULO** of tokatoka Vunaivitabasevu, and **AKANISI CAGINITOBA** of Tokatoka Nasakubu, all former Trustees of **NAKOVACAKE DEVELOPMENT TRUST** of Trust of Yavusa's Tukani, Nonaiqoroand Botiluvuka of Namotomoto and Navoci Villages, Nadi.

1ST DEFENDANT/ 1ST RESPONDENT

AND: **ANARE NAIVUTEVUTE** of Navoci Village, **ILIESA SAMUSAMUVODRE** of Namotomoto Village, **SAINATE MELI DAWAI** of Navoci Village as former co-opted Trustees of the Nakovacake Development Trust.

2ND DEFENDANT/ 2ND RESPONDENTS

AND: **NAKOVACAKE DEVELOPMENT TRUST**

NOMINAL PARTY

APPEARANCES : Mr. Vakacakau for the Plaintiffs
Ms. J. Naidu for the 1st Defendants

DATE OF HEARING : 14th July, 2022

DATE OF DECISION : 14th July, 2022

JUDGMENT
(On Terms of Settlement)

1. This action was commenced by the Plaintiffs on **29th June 2022**, by filing the Ex-Parte Notice of Motion, Originating Summons and the Affidavit in Support sworn on 28th June 2022 by VILIAME VIKOSO, together with documents annexed as "V V-1" to "V V-11".
2. The Ex-Parte Notice of Motion being supported before me on the same day by the learned Counsel for the Plaintiffs, this Court granted, among other reliefs, restraining orders as per my sealed Order dated 29th June 2022.
3. Subsequently, on 06th July 2022, the First and Second Defendant- Respondents, and the Plaintiffs, who appeared through their respective Solicitors, having agreed to resolve the whole issue through mutual discussion, today on 15th July 2022, have tendered the terms of settlement signed by the Solicitors for both the parties.
4. I, have carefully read the contents of the Terms of Settlement and satisfied that the parties have agreed to resolve the whole dispute as per the terms therein , which are enumerated bellow.
5. Accordingly, I enter judgment as per the terms of Settlement and order the parties to abide by same. This Judgment shall be sealed and issued.
 - (1) The Tokatoka meetings for the election of the 14 Tokatoka representatives to be appointed as Trustees of Nakovacake Development Trust (NDT) shall be convened form 21st July, 2022 to 27th July, 2022.
 - (2) The Special General Meeting (SGM), for NDT shall be convened on Saturday 30th July, 2022 at 10.00am at Navoci Village Hall. The Agenda for the SGM shall be limited to the following:
 - a) Election of NDT Chairman and Deputy Chairman; and
 - b) Endorsement of Tokatoka Trustees appointed by their respective Tokatoka.
 - (3) The Toko Tui Nadi (the Roko) shall be the Chairman of both the SGM and Tokatoka meetings.
 - (4) The solicitors for both the parties herein shall approve a letter to be caused to the Roko on 14th July, 2022 briefing him on the Tokotoka elections and SGM.
 - (5) Notices for the SGM and Tokatoka Meetings shall be drafted and approved by both parties' solicitors and signed by Roko.

- (6) Notices for the SGM and Tokatoka Meetings shall be published on the daily newspaper by Friday 15th July, 2022.
- (7) The Community Police to facilitate Tokatoka meetings with the Roko.
- (8) Without admission of liability by any of the parties, the injunctive order shall continue until the SGM, and shall be automatically discharged once the Tokatoka appointed Trustees have been duly endorsed during the SGM.
- (9) By consent this Terms of Settlement shall be entered as Orders of Court with no order as to costs.
- (10) This Terms of Settlement concludes the whole proceedings herein.



A.M. Mohammed Mackie
Judge

At High Court Lautoka on this 14th day of July, 2022

SOLICITORS:

For the Plaintiff: Falcon Chambers

For the Defendant: AK Lawyers