

IN THE HIGH COURT OF FIJI
AT LAUTOKA
CIVIL JURISDICTION

JUDICIAL REVIEW NO. HBJ 9 OF 2020

BETWEEN : **PAULA MALO RADRODRO** **APPLICANT**

AND : **THE CHIEF REGISTRAR** **RESPONDENT**

BEFORE : A. M. Mohamed Mackie- J

COUNSEL : Applicant appears in person.
Mr. Kant, for the Respondent.

DATE OF HEARING : 22nd February, 2023.

DATE OF RULING : 27th April 2023.

RULING

1. This Ruling pertains to the brief hearing held before me on 22nd February 2023 in relation to the Applicant's, purported, Notice of Appeal filed, along with 4 grounds of Appeal and the Affidavit in support on 05th October, 2022 pursuant to Order 55 Rule 1,2,3 and Rule 4 (1), (2) & (3) of the High Court Rule.
2. Simultaneously, the Applicant also filed a Petition supported by an Affidavit under Order 110 of the High Court Rules seeking the waiver of charges and fees that would become payable to the Court in relation to his aforesaid Application.
3. Initially, an Application seeking leave to apply for Judicial review being filed by the Applicant on 22nd December 2020, after hearing the same, this Court on 9th September, 2022 pronounced the Ruling dismissing the Applicant's said Application, and it is against this Ruling the Applicant has now filed the foresaid Notice of Appeal and grounds of Appeal on 5th October 2022.
4. Learned Counsel for the Respondent at the hearing of the present Application raised his preliminary objection on the propriety of the present Application before this Court and made oral submissions, subsequent to which the Applicant was also heard.
5. It is observed that the Applicant for his relief has relied on Order 55 Rules 1,2,3 , 4(1) (2) & (3) of the High Court Rules , which are in relation to **Appeals to High Court from Court, Tribunals or Person** and the Applicant cannot resort to this Order and Rules to seek relief against the Orders/ Rulings made by this Court.

6. If the Applicant was dissatisfied of the Ruling pronounced by this Court on 09th September 2022, the procedure he should have followed was to file a leave to Appeal Application to this Court within the prescribed time period, which is 21 days from the date of the pronouncement of Ruling. In the event this Court refuses his Application for leave, he can file a renewed Application for leave before the Court of Appeal.
7. If the Applicant had opted to file a leave to Appeal Application before this Court, he should have done so within 21 days from the date of the said Ruling. Hence, the only option that was available to the Applicant was to file an Application for the extension of time to file leave to Appeal, coupled with an Application for leave to Appeal, which would be considered if the extension of time is granted by the Court.
8. Hence, the Applicant's, purported, Notice of Appeal filed along with the said grounds of Appeal against the Ruling made by this Court on 22nd September 2022 has no basis and this Court has no alternative but to dismiss the same.
9. Further, the Petition filed by the Applicant under Order 110 of the HCR for the waiver of fees also does not warrant consideration as the Court has already dismissed the Application for leave to apply for judicial review and the present Notice of Appeal is also being dismissed by this ruling.
 - a. Preliminary objection raised by the Respondent's Counsel is upheld.
 - b. The Applicant's purported Notice of Appeal is hereby struck out.
 - c. No order for costs made.



A.M. Mohamed Mackie
Judge

At High Court Lautoka this 27th day of April 2023.

SOLICITORS:.

For the Applicant: The Applicant in person.

For the Respondent: Hon. Attorney General.