

IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION

Civil Action NO. HBC 125 of 2025

BETWEEN: **RASHIKA DEVI SINGH** of 41 John Campbell Parade, Bungarribee,
2767, NSW.

Plaintiff

AND: **SURUJ KANTU** of Lot 4, Teri Street, Samabula, Suva.

First Defendant

AND: **SURU KANTU** as the administratrix of the Estate of Susheshni Devi
Singh, Deceased.

Second Defendant

Appearance:

Plaintiff: Mr. J Reddy & Mr. Y Kumar (Jiten Reddy Lawyers)

Defendants: Ms. A Singh on instruction of Rikshal Dayal Lawyers

Date of Hearing: 3rd July 2025.

Ruling

[1] The Plaintiff in this matter through originating summons (OS) is seeking the following orders:

"1. That the Defendants be at liberty to buy off the plaintiff's one third undivided share in the property [comprised in CL 4338]...alternatively:

2. The property be sold in the open market through a Rel Estate Agent appointed by mutual consent of all parties.

3. That the sale price be fixed at a fair market value obtained by appointment of a common valuer by mutual consent of all the parties.

4. That upon the sale being effected, the mortgage to [BSP] be first paid off from the sale proceeds.

5. That from the balance of sale proceeds, the plaintiff be paid out her one third undivided share whilst the Defendants be paid out two thirds undivided shares....."

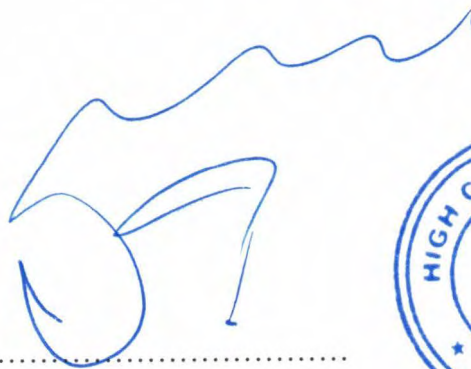
An affidavit of Rashika Devi Singh supports the OS.

[2] An affidavit in opposition of the first defendant has been filed.

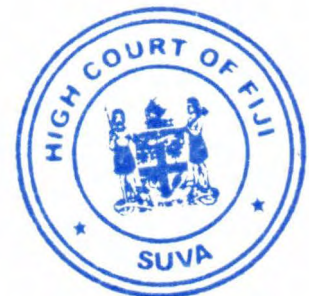
- [3] The Plaintiff states that she bought the property jointly with the first defendant and the 1st Defendants daughter. She asserts that they hold one third undivided share in the said property. In her affidavit she states that she contributed \$12,000.00 in cash towards the deposit price of the property. The initial purchase was by her and Susheshni Singh. They lacked funds and had to join in the first defendant who secured her Labasa property as security to obtain a loan.
- [4] The first defendant in her affidavit disputes the position of the plaintiff. She states that the overall deposit was paid by Susheshni Devi Singh. No contribution was made by the Plaintiff.
- [5] On the material before me I find that matter has many triable issues which cannot be determined in the current mode. Witnesses need to be called to testify in this matter. It can not be determined by way of a hearing. It needs to go to trial. For these reasons this matter is converted to writ action.
- [6] Relying on Order 28 Rule 9 of the High Court Rules 1988 this matter continues as if it was by way of writ action. The Plaintiff is to file and serve on the Defendants a writ of summons within 28 days of this Ruling. The matter is to take its normal cause after the filing of the writ.

Court Orders

- (a) This action will continue as if begun by a writ of summons in terms of Order 28 Rule 9 of the High Court Rules.
- (b) The plaintiff will file and serve on the defendant a writ of summons within 28 days of this ruling.
- (c) The matter is to take its normal course after the filing of the writ.



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Chaitanya S.C.A Lakshman
Puisne Judge



25th July 2025