

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

Civil Action No. HBC-103 of 2014

BETWEEN : **RAVEEN DUTT** as the intended Trustee of the ESTATE OF RAJ DATT of Navakai, Nadi, Retired.
PLAINTIFF

AND : **SUNIL DATT** of Navakai, Nadi, Fiji, Supervisor in his personal capacity and one of the Administrators of the ESTATE OF RUDRA DATT and as one of the Executors and Trustees of the ESTATE OF SHEELA of Navakai, Nadi, Domestic Duties.
1ST DEFENDANT

AND : **RAM DATT** of Navakai, Nadi, Fiji, Supervisor in his personal capacity and one of the Administrators of the ESTATE OF RUDRA DATT and as one of the Executors and Trustees of the ESTATE OF SHEELA of Navakai, Nadi, Domestic Duties
2ND DEFENDANT

AND : **ANIL DATT** of Navakai, Nadi, Fiji, Supervisor in his personal capacity and one of the Administrators of the ESTATE OF RUDRA DATT and as one of the Executors and Trustees of the ESTATE OF SHEELA of Navakai, Nadi, Domestic Duties
3RD DEFENDANT

AND : **MANJULA WATI** of Navakai, Nadi, Fiji, Supervisor in his personal capacity and one of the Administrators of the ESTATE OF RUDRA DATT and as one of the Executors and Trustees of the ESTATE OF SHEELA of Navakai, Nadi, Domestic Duties
4TH DEFENDANT

AND : **DIRECTOR OF LANDS**
5TH DEFENDANT

BEFORE : A.M. Mohamed Mackie-J

COUNSEL : Mr. Wainiqolo E. For the Plaintiff-Applicant.
2nd to 4th Defendant- Respondents absent as this is an Ex-parte Application.
5th Defendant-Respondent is not a party to this Application.

DATE OF RULING : 19th August, 2025.

RULING

1. Before me is an Ex-parte Application seeking for leave to issue Committal Proceedings against the 1st to 4th Defendant-Respondent hereof for, allegedly, violating Order made by the Honourable Supreme Court on 6th & 7th of June 2023 in favour of the Plaintiff-Applicant as shown in the sealed order dated 1st August 2023 filed of hereto marked as "A" and annexed to the Affidavit in support to the Ex-parte Notice of Motion filed on 13th August 2025.
2. The Grounds upon which the Committal is sought are found in paragraphs 3 (a) and (b) of the Statement filed pursuant to Order 52 of the High Court Rules and supported by the Affidavit sworn by the Plaintiff- Applicant, namely, RAVEEN DUTT.
3. Careful perusal of the record reveals that subsequent to making of those orders by the Hon. Supreme Court on 6th & 7th of June 2023, the Plaintiff-Applicant through a letter dated 6th November 2023 sent by his Solicitors addressed to the Director of Land (the 5th Defendant Respondent) has sought the assistance of the 5th Defendant to execute the Orders made by the Supreme Court in favour of the Plaintiff- Applicant. The said letter is marked as "B" and annexed to the Affidavit in support.
4. In response to the said letter, the Director of Land (the 5th Defendant) by the letter dated 24th April 2024 has advised the Plaintiff- Applicant that they are not in a position to assist in this regard as the Orders are made only against the 1st to 4th Defendant -Respondents and not against the Land Department. The said letter is marked as "C" and annexed to the Affidavit in support.
5. Careful Perusal of the Affidavit in Support and the annexure "A" clearly shows that the 1st to 4th Defendant- Respondents are bound to abide by the Orders given by the Supreme Court and those Orders should be executed with no any further delay.
6. On further perusal of the Order marked "A", I find that when the said Order was made only the 1st Defendant -Respondent was present in Court and the 2nd to 4th Defendant - Respondents were not present or represented. There is no evidence to show that the said Orders were duly communicated to the 2nd to 4th Defendant - Respondents. The 5th Defendant had been represented as per the Order.
7. However, considering the long history of this case and the circumstances, I decide to grant leave as prayed for however, subject to the condition that a copy of the relevant Order by the supreme Court also to be served on the 2nd to 4th Defendant -Respondents along with the Notice of Motion and other papers of this Application.
8. This leave will be in force only for 14 days from today as this proceedings deal with the liberty of the said Defendant-Respondents.

9. The Notice of Motion, along with the relevant papers, particularly with a copy of the said sealed order by the Supreme Court and that of the Order made hereof be served on the 1st to 4th Defendant- Respondents, leaving not less than 8 clear days between the date of service and the date of hearing.

ORDERS.

- a. The Ex-parte Application, seeking for leave to commence Committal proceedings against the 1st, 2nd, 3rd and 4th Defendant -Respondents hereby granted.
- b. This Leave shall be in force for 14 days from today.
- c. Notice of Motion for Committal shall be filed and served, along with all papers including the sealed Order made by the Supreme Court and this Order on the 1st to 4th Defendant -Respondents, leaving at least 8 clear days between the date of service and the date of hearing.


A.M. Mohamed Mackie
Judge



At the High Court of Lautoka on this 19th day of August, 2025.

SOLICITORS:

For the Plaintiff/Applicant:

OCEANICA IP, Barristers & Solicitors

For the Defendant/Respondent:

No appearance as this is an Ex-parte Application