

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

Civil Action No. 264 of 2025

BETWEEN: JASHWIN AARTI NAICKER of 30 Reki Street, Suva in the Republic of Fiji, Company Director.

Plaintiff

AND: DEEPESH AVISHEIK KUMAR of Lot 74, Paul Sloan Street, Bayview Heights, Suva, in the Republic of Fiji, Human Resources Officer.

Defendant

Representation:

Plaintiff: Mr. V. Anand (Artemis Legal & Consultancy).

Defendant: Ms. I. Sauduadua (Sauduadua Lawyers)

Date of Hearing: 2nd October 2025

Ruling

- [1] The Plaintiff's lawyers initially filed inter-parte summons (order 29 Rule 1 and 2 of the High Court Rules 1988) seeking the return of various items from the Defendant and that the Defendants bank account be frozen until the completion of the case. An affidavit in opposition was filed for the Defendant. Later the Plaintiff filed summons to strike out the Defendants counterclaim pursuant to Order 18 rule 18 (1) (a) (d) of the High Court Rules 1988. The summons is accompanied by an affidavit of the Plaintiff. This ruling deals with the injunction application.
- [2] The first application before me is an injunction and preservation application by the plaintiff seeking the return of various items by the Defendant. The Plaintiff filed a writ seeking judgment against the Defendant for \$81,689.55, interest and costs. The Plaintiff claims that she and the Defendant were friends and that during the period of friendship the Defendant solicited money from the Plaintiff which was to be returned.
- [3] The items the Plaintiff claims from the Defendant were acquired by the Defendant using the money purportedly given to him by the Plaintiff. The Defendant in his statement of defence seeks that the Plaintiff be put to strict proof and states that the money, gifts, travel and expenses were provided without expectations of repayment.
- [4] The parties are in dispute following a relationship. The pleadings at this stage basically set the stage for evidence that need to be provided by each party at the trial. It seems that either have their own version of events. I have noted the law on injunctions and preservations, and the various case laws. In this matter I do not find it necessary to grant an injunction or preserve the property. If the Plaintiff succeeds the Defendant will be required to pay her the sum he owes her. An injunction or preservation of the property is not need at this stage. The other reason I am not granting an injunction or preserving the property is that the items that are sought to be

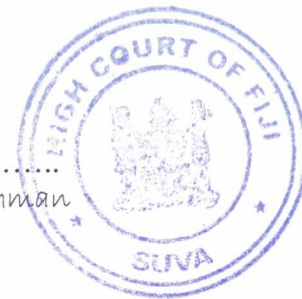
injunction or preserved are in dispute and the claim is for damages and not the recovery of specific items. It would be imprudent to grant an injunction or preserve the property in these circumstances.

- [5] For the reasons given the Plaintiff's application summons seeking an order for the return of various items is refused. The Plaintiff is to pay the Defendant \$2000.00 as costs within 30 days. The costs have been summarily assessed.
- [6] I will now hear the other application for strike out by the Plaintiff.



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Hon Justice Chaitanya S C A Lakshman

Puisne Judge



12th November 2025