

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

CIVIL ACTION NO.: HBC 235 of 2025

BETWEEN : NPT AGENCY

PLAINTIFF

AND : TEVITA AHTACK

DEFENDANT

APPEARANCES/REPRESENTATION

PLAINTIFF : Mr. N. Prasad [Mitchell Keil Lawyers]

DEFENDANT : Mr. E. Moce [Tuifagalele Legal]

RULING BY : Master Ms Vandhana Lal

DATE : Extempore delivered in court on 27 November, 2025

EX-TEMPORE RULING
[Extension of time to file defence]

Court: The Defendant wishes to seek leave to file its Statement of Defence out of time.

O32 r1 is clear chamber applications (not ex parte) ought to be by way of summons and not motion.

The Defendant moves the court for enlargement under O8 r3, which is not a proper rule for applications for enlargement of time.

There is no draft defence annexed to convince the court that time should be extended as defence is on merits.

The reason given for not appearing on Writ of Summon is that the Defendant lost his copy of the writ.

On 17 September 2025 the Defendant was served with a notice to attend court.

He has filed this application on 14 November 2025.

The Writ was served on the Defendant on 04 July 2025.

There was ample time for the Defendant to liaise with the registry and obtain a copy writ and arrange a solicitor to appear on the writ and defend the matter.


Since the application made is via motion and not summons, moved under wrong provision of the rules and reason for non - appearance and filing of defence is not acceptable, I refuse to grant orders on the application and strike it out.

The Defendant is to pay the Plaintiff cost of \$250 for court appearance.

The Plaintiff warned to move court under the rules on its claim. If not done unless orders will be made.

Mention on 10 December 2025 at 10am.




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Vandhana Lal [Ms]
Master of the High Court
At Suva.

27 November 2025.

TO:

- 1. Suva High Court Civil File No. HBC 235 of 2025;**
- 2. Mitchell Keil Lawyers, Solicitors for the Plaintiffs;**
- 3. Tuifagalele Legal, Solicitors for Defendant;**