

IN THE MAGISTRATES COURT AT NADI  
CIVIL JURISDICTION

Civil Action No. 107 of 2023

BETWEEN : JUSTIN BARRET

Plaintiff

AND : PAUL EYSCHEN

Defendant

**RULING**

This is the Plaintiff's claim filed on 25 October 2023.

The claim arises out of an Australian Default Judgment from the Queensland Civil and Administration Tribunal (hereinafter referred to "QCAT") on 7 July 2022 in the sum of AUD\$7,140.30, interest and costs.

The Court having considered the Claim and the Affidavit Evidence in Chief of the Plaintiff filed on 28 May 2024 makes the following decision.

The Magistrates Court does not have the jurisdiction to entertain this claim as filed. The proper procedure for enforcing a foreign judgment, such as the Default Judgment from QCAT, is under the **Foreign Judgments (Reciprocal Enforcement) Act 1935**.

This claim attempts to circumvent the requirements of registration under this Act by treating the foreign judgment as if it were already recognized in Fiji. This is procedurally improper. Any claim based on a foreign judgment must first go through the process of registration, after which enforcement can be sought.

The additional claims for interest and costs would only be enforceable if they are part of the registered judgment or if the registration process allows such amendments under the law. Filing a fresh claim in this manner bypasses the established legal framework and cannot be entertained.

**Costs against the Plaintiff's Solicitors:**

The Court finds that this proceeding is misconceived and is an abuse of the court process.

The Plaintiff's Solicitors by filing a fresh claim in the Magistrates Court instead of utilizing the established mechanism under the **Foreign Judgments (Reciprocal**

**Enforcement) Act 1935**, clearly shows that they are attempting to bypass the legal requirements for recognizing and enforcing foreign judgments in Fiji.

This approach undermines the statutory framework designed to handle such matters and improperly burdens the court with a claim that should not have proceeded without proper registration of the foreign judgment.

Filing a new claim also risks creating inconsistent outcomes and circumvents the safeguards built into the enforcement process under the Act, such as the court's ability to assess whether the judgment is enforceable in Fiji.

As such, this proceeding is a misuse of the court's process, as it employs the court's jurisdiction in a manner inconsistent with the purpose for which it exists and therefore I order costs against the Plaintiff's Solicitors to be paid into court as the Solicitors should have known better.

The claim is dismissed for lack of jurisdiction. The Plaintiff has the option to pursue the correct procedure under the Foreign Judgments (Reciprocal Enforcement) Act if he wishes to enforce the QCAT judgment in Fiji.

**Orders:**

1. The claim is dismissed for lack of jurisdiction.
2. Costs against the Plaintiff's Solicitors in the sum of \$1,000 to be paid into Court within 30 days.

Any party aggrieved by this decision has the right to appeal within one month under Order 37 Rule 3 of the Magistrates Court Rules 1945.



Setavana Saumatua  
**Resident Magistrate**  
27 February, 2025.

