

**IN THE MAGISTRATES COURT AT NADI
CIVIL JURISDICTION**

Civil Case No. 84 of 2024

BETWEEN : MOHAMMED JALAL

Plaintiff

AND : ISAIA SAUKURU

Defendant

RULING

1. This is the Plaintiff's claim against the Defendant for the sum of \$7,675, costs of \$800 said to have been incurred with Messrs Prakashan & Associates, further legal costs of \$5,000, and interest.
2. The Statement of Claim was filed on 5 August 2024. The Defendant was served on 30 August 2024 but has not entered an appearance. On 13 June 2025, the Plaintiff sought time to file Affidavit Evidence, which was eventually filed on 30 July 2025. The matter was then fixed for Ruling from 8 August 2025.
3. The Court has considered the claim and the Affidavit Evidence.
4. The claim is based on a Sale and Purchase Agreement which the Plaintiff pleads was executed on 29 May 2019. However, the Agreement annexed to the Affidavit is dated 29 May 2018. No explanation is provided for this inconsistency.
5. The Plaintiff claims he paid a deposit of \$3,500 and further payments of \$2,175 in June 2018, together with an additional \$2,000 for which he says no receipt was issued.
6. The difficulty is that no receipts or documentary evidence were tendered into Court to support any of the payments alleged to have been made. The Plaintiff also claims to have made numerous calls to the Defendant but has not provided details, dates, or records of those calls. There is also no evidence of any formal demand having been made before this action was commenced.
7. The Court further notes that the Plaintiff has failed to particularise the breach and the actual breach in the Statement of Claim. A claim in contract must set out with clarity the obligation said to have been breached and the manner of its breach. The failure to do so renders the pleading defective.

8. It is well-established that the burden of proof rests on the Plaintiff to establish his claim on the balance of probabilities. Bare assertions, unsupported by receipts, records, or sufficient particulars, are not proof.
9. In these circumstances, the Court is not satisfied that the Plaintiff has discharged the burden of proof.

Orders

- The Plaintiff's claim is dismissed in its entirety.
- No order as to costs.

Any party aggrieved by this decision has the right to appeal.



Setavana Saumatua
Resident Magistrate
15 October, 2025.

