## IN THE SUPREME COURT OF FIJI

## Civil Petition No. CBV0009/2017

[on appeal from Court of Appeal Civil Appeal No. ABU 47 of 2014 [High Court HBC 107 of 2009; HBC 380 of 2004]

BETWEEN:

**ATUNAISA LACABUKA RASOKI** 

Petitioner

AND:

ATTORNEY GENERAL OF FIJI

1st Respondent

**NATIVE RESERVES COMMISSION** 

2<sup>nd</sup> Respondent

SALESI TEMO

3rd Respondent

**<u>iTAUKEI LAND TRUST BOARD</u>** 

4th Respondent

Coram:

Gates J

Counsel:

Petitioner in Person

Ms S. Taukei for 1st Respondent

Mr. P. Yaqona and Ms L. Komaitai for 2nd and 4th Respondents

Date of Hearing:

16th February 2018

Date of Ruling:

16th April 2019

## RULING

- [1] On 18<sup>th</sup> August 2016 the Petitioner in person filed a Summons in the Court of Appeal seeking enlargement of time for seeking leave to appeal. Leave was refused by the single judge with no costs ordered against the unsuccessful Petitioner.
- [2] Pressing ahead without legal advice one assumes, the Petitioner filed on 14<sup>th</sup> August 2017 a petition with affidavit to this court. The petition is brought to challenge the decision of Chandra J in refusing enlargement of time. This petition may also run into

difficulties since it appears to raise many other issues 'possibly' related to the earlier High Court actions. The petition however must challenge the decision of the single judge and this it does not do.

- [3] If the Petitioner were to succeed with the petition in this court, and he be granted an enlargement of time, he might then raise the other issues in the petition before the Full Court. If not, the voluminous "other" issues will not be relevant to the enlargement application.
- [4] A Summons was filed by the Petitioner returnable on 25<sup>th</sup> January 2018. In that Summons the unrepresented Petitioner sought several reliefs which were initially rejected in a letter sent by the Registrar to the Petitioner. The main body of that letter read:

"Reference is made to the above matter and to your two applications received in September and October 2017.

Your application for Legal Aid assistance to be rendered to you has been sighted by the Hon. President of the Supreme Court. His Lordship has directed that you as the Petitioner must apply to the Legal Aid Commission to seek their assistance as to costs.

As to your other application for a pre-trial conference between the parties, His Lordship has noted this application cannot be entertained by the Court as it is misconceived. His Lordship would like to suggest to you to instruct counsel who could examine this case to see if it can be argued properly.

His Lordship would also like to stress the importance in complying with the orders already relayed to you, for eg: security for costs, otherwise the appeal cannot proceed."

- [5] The Petitioner had been ordered by the Registrar to pay security for costs of \$6,000. Subsequently he approached the Legal Aid Commission for the Commission to pay that security for him which was denied.
- [6] He tried to have issued a further summons this one seeking "for a pre-trial conference at the Pearl Hotel", and for the Respondents to pay the security for costs.

- [7] The gentle advice to the Petitioner had been that it "would be wise to instruct counsel who could examine the case to see if it could be argued properly or at all."

  Unfortunately that advice has not been taken up, and the petition may be struck out for non-compliance with the Rules.
- [8] The request for interlocutory orders for the Respondents to pay security for costs or to conduct a pre-trial conference must be denied.
- [9] As for the main appeal against the single judge's order refusing enlargement of time, that may be listed at the next call over for a hearing date for the petition in the next sittings in August 2019, only if there is compliance with the Rules.



The Hon. Mr. Justice Anthony Gates

Judge of the Supreme Court

## Solicitors:

Petitioner in Person Attorney-General's Chambers for 1<sup>st</sup> Respondent iTaukei Land Trust Board Legal Service for 2<sup>nd</sup> and 4<sup>th</sup> Respondent

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