

IN THE SUPREME COURT OF FIJI
APPELLATE JURISDICTION

CIVIL PETITION NO. CBV 002 OF 2025
[Court of Appeal No. ABU 093 of 2023]

BETWEEN : **RAJESH CHANDRA** as Administrator of the **ESTATE OF VINAY**
VIKASH CHAND late of Navoli, Ba, Fiji, Welder And in his personal
capacity.

PETITIONER

AND : **THE PERMANENT SECRETARY FOR HEALTH**

FIRST RESPONDENT

AND : **THE MINISTRY OF HEALTH**

SECOND RESPONDENT

AND : **THE ATTORNEY GENERAL**

THIRD RESPONDENT

Coram : Chief Justice Salesi Temo
President of the Supreme Court

Counsel: Mr. N. R. Padarath for Petitioner.
Ms. O. Solimailagi for the Respondents

Date of Hearing: 5 May, 2025

Date of Ruling: 22 July, 2025

**RULING ON SUMMONS FOR EXTENSION OF TIME FOR
FILING OF PETITION SEEKING LEAVE TO APPEAL TO
THE SUPREME COURT OF OF FIJI**

1. On 29 January 2025, the petitioner filed a summons for extension of time for filing his Petition seeking leave to appeal against the Court of Appeal’s decision dated 28 November 2024, pursuant to Rule 17 (4) of the Supreme Court Rules 2016.
2. The summons was supported by an affidavit from the Petitioner himself. The affidavit was also filed on 29 January 2025, and it contained 23 paragraphs.
3. In the Summons, the Petitioner asked for the following orders:
 - (i) The Petitioner be granted an enlargement of time to file and serve its Petition for Special Leave to appeal the Judgement of the Court of Appeal dated 28 November 2024 to the Supreme Court of Fiji.
 - (ii) That there be abridgment of time for filing and service of this application.
 - (iii) Any other orders this Honourable Court may deem just.
 - (iv) The cost of this Application be costs in the cause.
4. I heard the summons on 5 May 2025 and adjourned the matter for a ruling on 9 June 2025. I had read Mr. Rajesh Chandra’s affidavit filed on 29 January 2025. I had also read the High Court judgement on the case dated 28 November 2024. I had also read Ms. Lydia Andrew’s affidavit for the respondents, filed on 22 April 2025.
5. Supreme Court Rules 17(1), (2) and (4) reads as follows:

“17 (1) If a Petitioner has not fulfilled the conditions of a Petition imposed by these Rules or orders of the full Court or single judge, the Registrar must certify the fact to the Court by means of Form 7 in Schedule 1 and the Court may thereupon after giving notice to all parties order that the Petition be dismissed with or without costs.

(2) If a Respondent alleges that the Petitioner has failed to fulfil any of the conditions of the Petition imposed by these Rules or orders of the full Court or single judge, the Court may, if satisfied that the Petitioner has so failed, upon notice to all parties dismiss the Petition for want of prosecution, non-compliance with Rules or orders, or make any other order as the justice of the case requires.

(4) Notwithstanding the preceding provisions of this Rule, a Petitioner may apply to the Court for an extension of time in which to fulfil the conditions of the Petition imposed by these Rules or by the full Court or single judge and the Court may, for good and sufficient cause, grant an extension of time subject to any conditions the Court may impose.”

6. Having heard the parties on 5 May 2025, and after perusing the papers they filed in court, in the interest of justice, I find good and sufficient cause, to grant the Petitioner Orders 1, 2 and 4 contained in their Summons filed on 29 January 2025. I order so accordingly.




Salesi Temo
Chief Justice

Solicitor for Petitioner: Samuel Ram Lawyers, Ba

Solicitor for Respondents: Attorney General Chambers, Lautoka