

IN THE FIJI COURT OF APPEAL
Civil Appeal No. 73 of 1984.

Between:

LESLIE REDVERS MARTIN

Appellant

- and -

1. BANK OF NEW ZEALAND
2. FIJI DEVELOPMENT BANK

Respondents

Mr. A. Chernov, QC, Mr. J. Karkar and Mr. F.G. Keil
for the Appellant.
Mr. K. C. Chhaganlal for the Respondents.

Date of Hearing : 21st July, 1986

Delivery of Judgment: 23rd July, 1986

JUDGMENT OF THE COURT

Speight, V.P.

At the close of submissions by Counsel for Appellant the Court dismissed the appeal and this is to record that dismissal.

Without necessarily endorsing all the reasoning of the learned trial Judge we are of the view that this was a strong case for the making of a Mareva order in view of the material available. This included:

The unanswerable nature of the Plaintiff's claim.

The subsequent departure of the Appellant after a life time as a successful financier in Fiji. He has now taken out Australian citizenship indicating permanent surrender of his Fijian domicil.

The formulation of a counterclaim some years after the service of the writ will necessarily mean lengthy delay before the case comes for hearing.

The absence of any material from the Appellant as to the state of his assets in Fiji or elsewhere apart from this sum of money presently in Court.

His advanced age and ill health, together with the existence of an only daughter in Australia raises a strong likelihood that this money would be disbursed in the near future if not restrained.

If as counsel said from the bar this man is in straightened financial circumstances, application can be made to the Supreme Court for some provision of income from the fund - indeed leave to apply further was specifically reserved.

3.

Accordingly we confirm the pronouncement made at hearing that the appeal is dismissed.



Vice-President



Judge of Appeal



Judge of Appeal