

IN THE FIJI COURT OF APPEAL
Civil Appeal No. 3 of 1987

Between: SUBAIYA PILLAY Appellant

- and -

THE ARBITRATION TRIBUNAL OF FIJI Respondent

Mr. G. P. Shankar for the Appellant

Dr. A. Singh for the Respondent

Date of Hearing: 22nd September, 1987

Delivery of Judgment: 22nd September, 1987

JUDGMENT OF THE COURT

Speight, V.P.


The appellant's case is identical with another application for a Writ of Certiorari made by one Satish Chandra against the same Respondent - the Arbitration Tribunal.

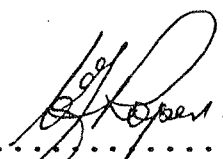
In that case as here, the applicant had obtained leave pursuant to Order 53 Rule 3(2) of the Supreme Court Rules but at the Judicial Review hearing Kearsley J. held that certiorari did not lie. On appeal (Civil Appeal 49/86) this court reversed that decision, and directed the matter back to the Supreme Court for hearing. During the course of the judgment of this court reference was made to the present applicant's similar case heard by Sheehan J. in which that learned judge had taken the same view as had Kearsley J. In reversing the Kearsley decision we said that Sheehan J's decision was also wrong.

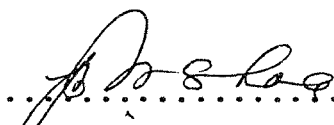
2.

Mr. Shankar now formally appeals against Sheehan J's judgment, which of course he must do before his client can get to a hearing in the Supreme Court. Dr. Singh for the respondent does not contest the matter.

Accordingly the appeal is allowed and the matter referred back to the Supreme Court for rehearing. Costs reserved to be costs in the cause and settled in Supreme Court.


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Vice-President


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Judge of Appeal


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Judge of Appeal