

IN THE FIJI COURT OF APPEAL
CIVIL APPEAL NO. 17 OF 1987

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Between:

RAM JATI SINGH

Appellant

- and -

LETEMA TRADING COMPANY

Respondent

R U L I N G

The Registrar purporting to act under section 18 of the Court of Appeal Act delivered judgment in this appeal on the 27th day of October, 1987.

There was on that date no constituted Court of Appeal. This court is of the view that in the absence of any constituted Court of Appeal the Registrar was unable to comply fully with the provisions of section 18 of the Act but in delivering such judgment in the absence of any constituted court the Registrar acted in substantial compliance with the section and the judgment was properly delivered.

The former Court heard this appeal on the 23rd of September, 1987 and O'Regan J.A. duly prepared the judgment of the Court of Appeal which was signed by the three appellate Judges. It was intended that the court would deliver the judgment in open court but it was unable to do so due to dissolution of the court by Interim Military Government Decree No. 4 dated the 3rd day of October, 1987.

The judgment which the Registrar delivered has been sealed and perfected and this court is of the view that it would have no jurisdiction to set aside or vary such judgment if application was made for such purpose.

This court acting on its own initiative at first intended to deliver the judgment pursuant to section 18 of the Act and notices that it would deliver the judgment were sent out. Having now fully considered the matter, the Court has decided that no further action is required.

This ruling is made by this court for the information of the parties and in the interests of justice so that the successful party may proceed to enforce the judgment.

Dated at Suva the 3rd day of May, 1988.

T. A. Prinjaga

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President, Fiji Court of Appeal

R. G. Edwards

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Justice of Appeal

M. S. Karan

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Justice of Appeal