

IN THE FIJI COURT OF APPEAL

CIVIL JURISDICTION

CIVIL APPEAL NO. 54 OF 1993

(High Court Civil Action No. 240 of 1990)

BETWEEN:ATTORNEY-GENERAL OF FIJIAPPELLANT

-and-

ZHAN HONG CHENRESPONDENT

Mr. M. Ahmadu and Ms F. T. Fenton for the Appellant
Mr. H. M. Patel for the Respondent

Date and Place of Hearing : 17th November, 1994, Suva
Date of Delivery : 17th November, 1994

ORDER OF THE COURT

Whereas the High Court held that the respondent had been falsely imprisoned but both parties and the learned trial Judge had failed to address the issue of whether the respondent might have left Fiji using his Chinese passport if he had wished to do so;

And whereas the issue of possible liability for damages for failure to give prompt effect to the declaration of the Resident Magistrate made on 25 September 1989 that the respondent was entitled to have his Fiji passport returned to him was not addressed;

By consent the judgment of the High Court is set aside and the matter is remitted to the High Court for further hearing, the respondent having leave to amend his Statement of Claim, if he wishes.

Costs of these proceedings to be costs in the cause.



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Sir Moti Tikaram
President Fiji Court of Appeal



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Mr. Justice Gordon Ward
Judge of Appeal



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Mr. Justice Ian R. Thompson
Judge of Appeal