

IN THE COURT OF APPEAL, FIJI ISLANDS
ON APPEAL FROM THE HIGH COURT OF FIJI

CIVIL APPEAL NO. ABU0007 OF 2007S
(High Court Civil Action No. 250 of 2001L)

BETWEEN: MOHAMMED YAKUB KHAN
 AND COMPANY LIMITED

Appellant

AND: CARPENTERS FIJI LIMITED

Respondent

Coram: Pathik, JA
 Powell, JA
 Goundar, JA

Hearing: Wednesday, 5th November 2008, Suva

Counsel: Dr. Sahu Khan for the Appellant
 D. Prakash for the Respondent

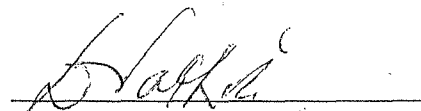
Date of Judgment: Wednesday, 5th November 2008, Suva

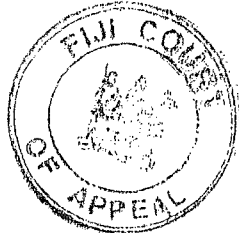
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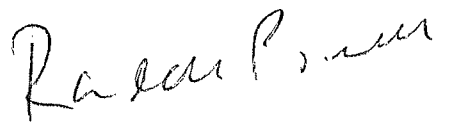
By consent the Court orders:


- (1) Appeal allowed;
- (2) Set aside the judgment of Finnigan J of 8 August 2005;

- (3) There is to be a retrial before another High Court judge.
- (4) The respondent is to pay the appellants costs as taxed or agreed.


Pathik, JA




Powell, JA


Goundar, JA

Solicitors:

Sahu Khan and Sahu Khan, Ba for the Appellant
Lateef and Lateef, Suva for the Respondent