

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

CIVIL APPEAL NO. ABU 75 OF 2018
(On appeal from the decision of the High Court of Lautoka
in Civil Appeal No. HBA 01 of 2018)
(On Appeal from the Land Transport Appeals Tribunal
Nos. 61 and 68 of 2014 and 9 of 2015)

BETWEEN : **SUNBEAM TRANSPORT LIMITED** *Appellant*

AND : **LAND TRANSPORT AUTHORITY** *1st Respondent*

AND **PACIFIC TRANSPORT LIMITED** *2nd Respondent*

AND **PARADISE TRANSPORT LIMITED** *3rd Respondent*

CIVIL APPEAL NO. ABU 113 of 2018
(On appeal from the decision of the High Court of Lautoka
in Civil Appeal No. HBA 01 of 2018) (On Appeal from the
Land Transport Appeals Tribunal in Appeals Nos. 61 and
68 of 2014 and 9 of 2015)

BETWEEN : **PACIFIC TRANSPORT LIMITED** *Appellant*

AND : **LAND TRANSPORT AUTHORITY** *1st Respondent*

AND : **SUNBEAM TRANSPORT LIMITED** *2nd Respondent*

AND : **PARADISE TRANSPORT LIMITED** *3rd Respondent*

Coram : Basnayake JA
Lecamwasam JA
Dayaratne JA

Counsel : Mr. V. Kapadia for the Appellant in No. 75 of 2018
Ms. N. Choo for the 1st Respondent
Mr. R. Prakash with Ms. K. Maharaj for the 2nd Respondent
Mr. R. Singh for the 3rd Respondent

Mr. Prakash with Ms. K. Maharaj for the Appellant in ABU
No. 113 of 2018
Ms. N. Choo for the 1st Respondent
Mr. V. Kapadia for the 2nd Respondent
Mr. R. Singh for the 3rd Respondent

Date of Hearing : 21 May 2019

Date of Judgment : 7 June 2019 and 12 July 2019

SUPPLEMENTARY JUDGMENT

Basnayake JA

- [1] The Judgment in this case was delivered on 7 June 2019. By letter dated 13 June 2019 addressed to the Registrar of the Court of Appeal, Fiji under reference No. VK/PS/S6574 by the Solicitors for Sunbeam Transport Limited, Mr. Viren Kapadia notified an error in Order No. 2 of the Judgment as follows: “*Judgment dated 23 March 2018 set aside*”. Mr. Kapadia requested that the said order No.2 be amended to read as, “*Judgment dated 29 March 2018 set aside*”. The solicitors for the other parties, namely, Land Transport Authority, Pacific Transport Limited and Paradise Transport Limited have consented to the proposed amendment of the date in the Order No. 2 of the Judgment dated 7 June 2019.
- [2] The judgment dated 7 June 2019, in paragraph 1 and paragraph 19, refer to the impugned order dated 29 March 2018 of the learned High Court Judge. There is no judgment

delivered by the learned High Court Judge of Lautoka on 23 March 2018. As claimed by Mr. Kapadia, the date 23 March 2018 appearing in Order No. 2 of the Judgment dated 7 June 2019 of the Court of Appeal is a typographical error. Therefore I order the removal of the date, “23 March 2018” contained in the Order No.2 of the Judgment dated 7 June 2019 and replacement with the date, “29 March 2018”.

[3] **Lecamwasam JA**

I agree with the proposed amendment correcting the date as 29 March 2018.

[4] **Dayaratne JA**

I agree with the draft supplementary judgment.

Orders of the Court

1. To delete Order No. 2 of the Orders of the Judgment dated 7 June 2019.
2. To replace the same with the following Order namely; “Judgment dated 29 March 2018 set aside”.

Hon. Justice E. Basnayake
JUSTICE OF APPEAL



Hon. Justice S. Lecamwasam
JUSTICE OF APPEAL

Hon. Justice V. Dayaratne
JUSTICE OF APPEAL

