

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

Civil Appeal No. ABU 0046 of 2020
(ILSC 01/2018)

BETWEEN : **PARVEEN PRAKASH**

Appellant

AND : **1. GYANESHWAR PRASAD LALA**

1st Respondent

2. THE CHIEF REGISTRAR OF THE HIGH COURT OF FIJI

2nd Respondent

Coram : **Almeida Guneratne, JA**

Counsel : **Mr. R. A. Singh for the Appellant**
1st Respondent Absent and Unrepresented
Mr. T. Kivaiawa (as Amicus) for the 2nd Respondent

Date of Hearing : **04 August 2020**

Date of Ruling : **18 September 2020**

RULING

Brief Background

[1] Initially, the Appellant had sought to partly set aside a decision of the Independent Legal Service Commission (ILSC).

- [2] Thereafter the Appellant filed summons to fix security for costs.
- [3] By the present application the Appellant is seeking inter alia an order for security for costs to be dispensed with.
- [4] The 1st Respondent has not appeared in these proceedings nor has any appearance been entered on his behalf at any stage.
- [5] The 2nd Respondent has appeared as “Amicus Curiae”.

Brief Discussion as to the Legal Position

- [6] As submitted by learned Counsel for the Appellant the first respondent’s whereabouts are unknown. He had not participated even before the ILSC.
- [7] Apart from that, given the Appellant’s appeal only relates to the rate of interest calculated by the ILSC and the period of commencement of the said interest, in the exercise of Court’s discretion under Rule 30 of the Court of Appeal Act (Cap.12) (“The Act”), Counsel submitted that Court could dispense with security for costs.
- [8] Under Section 20(1) (b), (c), (d) and (k) the Act permits the other Orders sought by the Appellant in his Summons filed on 17 July, 2020 and the subsequent amended summons filed on 21 July, 2020.
- [9] Having looked at the said Summons and the Amended Summons, out of an abundance of caution, rather than dispensing with service of notice of documents on the 1st Respondent altogether, while granting Order A sought in the Appellant’s summons of 17 July, 2020, I felt inclined to grant Order B sought in the said Summons.

[10] Accordingly, I make orders in this matter as follows:-

Orders of Court:

1. *Payment of Security for costs to prosecute the Appellant's appeal is dispensed with.*
2. *Orders sought in Paragraphs A and B of the Appellant's Summons filed on 17 July, 2020 are granted.*
3. *The Appellant may advise himself to take whatever steps he is required to take according to law to prosecute the Appeal.*



Almeida Guneratne

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Almeida Guneratne
JUSTICE OF APPEAL