

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

CIVIL APPEAL NO. ABU 060 of 2018
[Lautoka High Court Civil Action No. 08 of 2015]

BETWEEN : **ITAUKEI LAND TRUST BOARD**
1st Appellant

AND : **FIJI HARDWOOD CORPORATION LIMITED**
2nd Appellant

AND : **RATU LEIENE WAQA** of Nadala, Nadarivatu, Tavua.
Respondent

Coram : Basnayake, JA
Lecamwasam, JA
Guneratne, JA

Counsel : Ms. L. Komaitai for the 1st Appellant
Mr. F. Haniff for the 2nd Appellant
Ms. M. Savou for the Respondent

Date of Hearing: 10 May 2022

Date of Judgment: 27 May 2022

JUDGMENT

Basnayake, JA

[1] I agree with Lecamwasam, JA.

Lecamwasam, JA

[2] In this case, the parties at the stage of argument expressed their willingness to settle the matter and on the 19th of May 2022 filed a joint consent motion attached herewith seeking orders:

- (i) That the Judgement of Justice Sapuvida delivered on 17 October 2016 at the High Court of Fiji at Lautoka in High Court Action No. 8 of 2015 be set aside.
- (ii) That the matter be referred back to the High Court for the presiding officer to act in accordance with Section 16(3) of the Mahogany Industry Development Act 2010 (“MIDA”) and transfer the proceedings to the Chief Registrar.
- (iii) That the Chief Registrar to deal with the matter in accordance with Section 16(3) of the MIDA.
- (iv) There be no order as to costs.

[3] Having considered the joint consent motion and being satisfied, I proceed to make following orders.

Guneratne, JA

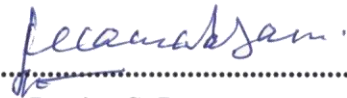
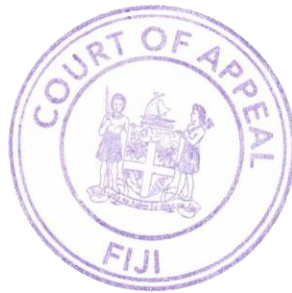
[4] I agree with Lecamwasam, JA.

The Orders of the Court:

1. *Judgment is entered in terms of the Consent Motion dated 19th May 2022.*
2. *No costs.*
3. *The Registrar of this Court is directed to remit this case to the High Court.*



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Hon. Justice E. Basnayake
Justice of Appeal



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Hon. Justice S. Lecamwasam
Justice of Appeal



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Hon. Justice A. Guneratne
Justice of Appeal