

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

CIVIL APPEAL NO. ABU0019 OF 2021
[Suva High Court Civil Action No: HBC 166 of 2018]

BETWEEN : 1. **PHILIP SATYANAND**
2. **PITA CILI**
3. **VILIAME VAKASAUCAU**
4. **PRITAM SINGH**
5. **THE GENERAL CONFERENCE OF THE**
ASSEMBLIES OF GOD, FIJI
Appellants

AND : 1. **AISAKE KUNANITU**
2. **WILLIAM GREEN KUNANITU**
3. **KINI TUIDRIVA**
4. **JOSEFATI VAKALOLOMA**
Respondents

Coram : Dr. Almeida Guneratne P
Counsel : Mr I. Fa for the Appellants
Ms L Jackson for the Respondents

Date of Hearing : 22nd June, 2023

Date of Decision : 22nd June, 2023

DECISION

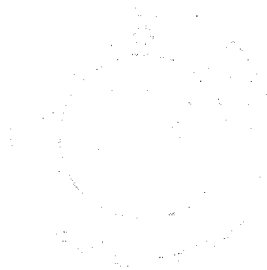
Background to this matter

[1] On 31st October, 2022 this court in a single judge ruling made order dispensing with the need to effect substitution. By a Notice of Appeal filed on 16th December, 2022, the abovenamed appellants sought to appeal to this court the order as to costs made in the said ruling.

- [2] The Respondents filed summons dated 16th January, 2023 seeking to have the said appeal struck off and dismissed on the basis that this court does not have jurisdiction to review its ruling of 31st October, 2022. The Respondents followed the said summons by filing a written submission dated 10th May, 2023.
- [3] Apart from the jurisdiction issue referred to above, in their submissions, the Respondents urged that the Appellants have failed to comply with Rule 17 of the Court of Appeal Act.
- [4] Although on the 5th June, 2023 the Appellants moved to file written submissions the same was not done.
- [5] Eventually, when the case was mentioned on 22nd June, 2023 for further steps and orders, Mr Fa (Jnr.), on behalf of the Appellants made an application to have the appeal withdrawn. Mr Jackson did not object to that application but prevailed on Court to make a Ruling on the Respondent's application to have the appeal struck off on the basis that this Court does not have jurisdiction to review its own ruling of 31st October, 2022.

Orders of Court

- 1) *The application to withdraw the appeal is allowed.*
- 2) *In any event, the appeal is struck off and dismissed for lack of jurisdiction in this Court to review its own ruling.*
- 3) *No costs.*



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Hon. Justice Almeida Guneratne
PRESIDENT, COURT OF APPEAL

Solicitors:

Fa & Company for the Appellants

Jackson Bale Lawyers for the Respondents