

**IN THE COURT OF APPEAL, FIJI**  
**[On Appeal from the High Court]**

**CIVIL APPEAL NO. ABU 0053 of 2023**  
**[High Court Civil Action No. HBC 18 of 2014]**

**BETWEEN** : **LAND TRANSPORT AUTHORITY**

*Appellant*

**AND** : 1. **PRAVEEN KRISHNA NAICKER**  
2. **LEONI KACISAU**

*Respondents*

**Coram** : **Dr. Almeida Guneratne, P**

**Counsel** : **Ms A. Malani for the Appellant**

**Date of Hearing** : **14<sup>th</sup> August, 2023**

**Date of Decision** : **18<sup>th</sup> August, 2023**

**DECISION**

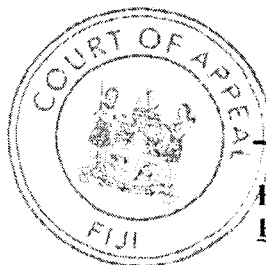
[1] The appellant appealed against the Ruling dated 28<sup>th</sup> April, 2023 of the High Court.

[2] According to the Appellant, (as per the affidavit of Melvin Nitish Kumar dated 8<sup>th</sup> June, 2023, its employee), all efforts to serve the Notice of Appeal on the 2<sup>nd</sup> Respondent have failed (the 2<sup>nd</sup> Respondent himself having been an employee of the Appellant earlier).

- [3] Thus, by the present ex parte summons dated 29<sup>th</sup> June, 2023 (filed on 8<sup>th</sup> June, 2023) the appellant was moving for substituted service of the notice of appeal on the 2<sup>nd</sup> Respondent.
- [4] I have perused the said affidavit and gone through the Appellant's written submissions dated 11<sup>th</sup> August, 2023.
- [5] Being satisfied with the reasons adduced therein. I also had regard to the recent decision of mine in the case of **Merchant Finance Limited v. Premium Plastic Ltd & 2 Others**, ABU 0033 of 2022. 14<sup>th</sup> August, 2023.
- [6] Consequently, I direct that the appellant may effect substituted service of his notice of appeal in terms of Order 65 (Rules 1(2), 4(1)(3)) and pursuant to any of the means envisaged in Rules 5(1)(a) or (b) or (c) of the said Order read with Rules 6 and 11 of the Court of Appeal Act.

Orders:

- 1) *The Appellant's application to effect substituted service on the 2<sup>nd</sup> Respondent is allowed.*
- 2) *After taking appropriate steps in that regard the appellant may move Court for the purpose of giving directions for consequential steps.*



*Almeida Guneratne*

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**Hon. Justice Almeida Guneratne**  
**PRESIDENT, COURT OF APPEAL**