

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

**CIVIL APPEAL NO. ABU 75 of 2024**  
**[High Court Case No. HBC 132 of 2023]**

**BETWEEN** : **NALESH PRAKASH** *Appellant*

**AND** : **RONEEL RAJNESH PRASAD** *Respondent*

**Coram** : Prematilaka, RJA

**Counsel** : Mr. V. Filipe for the Appellant  
: Mr. V. Singh for the Respondent

**Date of Mention** : 28 October 2024

**Date of Ruling** : 10 December 2024

**RULING OF THE COURT IN CHAMBERS**

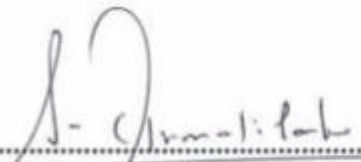
[1] The appellant (then defendant) filed a notice of appeal against the High Court judgment delivered on 14 August 2024 granting leave to the respondent (then plaintiff) for issue of a writ of possession against the appellant for possession of the property comprised in Approval Notice of Lease No. 937, Lot 3 on DSS 1786 Kalabu (Part of) and also directing the appellant to pay \$2000.00 as summarily assessed cost within 21 days to the respondent. The appellant sought to have the above orders wholly set aside or varied. Later the appellant also filed inter-parte summons for stay of the execution of the said judgment pending appeal.

- [2] Security for cost of \$2000.00 had been ordered on 24 September 2024.
- [3] However, appellant and the respondent have entered into a settlement of the dispute on 25 October 2024. Accordingly, the solicitors for the appellant had filed on the same day a Notice of Discontinuance ('ND') which was confirmed by the counsel for both parties in court on 28 October 2024. As per the ND, the appellant wholly discontinues the appeal against the respondent with no order as to cost against either party but subject to the Terms of Settlement filed in court.

**Orders of court**

- [1] *The application by the appellant to withdraw/discontinue the appeal is allowed.*
- [2] *Appeal is accordingly dismissed in terms of section 20(1)(h) of the Court of Appeal Act, subject to the Terms of Settlement dated 25 October 2024.*
- [3] *No order as to cost.*



  
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Hon. Mr. Justice C. Prematilaka  
**RESIDENT JUSTICE OF APPEAL**