

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

**CIVIL APPEAL NO. ABU 099 of 2024**  
**[In the High Court at Suva Case No. HBC 66 of 2024]**

**BETWEEN** : **HUA ZHU CONSTRUCTION PTE LIMITED**, a limited liability company having its registered office at Lot 12, Marina Road, Fantasy Island, Nadi.

***1<sup>st</sup> Appellant***  
***(Original first named plaintiff)***

: **ZHENG ZHUI** of Fantasy Island, Nadi, Fiji.

***2<sup>nd</sup> Appellant***  
***(Original second named plaintiff)***

**AND** : **ZHONG LIN CONTRUCTION** a limited liability company having its registered office at Suva, Fiji.

***Respondent***  
***(Original defendant)***

**Coram** : **Prematilaka, RJA**

**Counsel** : **Ms. C. Naicker for the Appellants**  
**Mr. A. Pal for the Respondent**

**Date of Mention** : **17 March 2025**

**Date of Ruling** : **17 March 2025**

## **RULING IN CHAMBER**

[1] The appellant had appealed in a timely manner against the Ruling<sup>1</sup> by the High Court striking out writ of summons and statement of claim filed by the appellant and ordering cost of \$1000.00 against the appellant.

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<sup>1</sup> **Hua Zhu Construction Pte Ltd v Zhong Lin Construction Pte Ltd** [2024] FJHC 673; HBC66.2024 (12 November 2024)


[2] Consequently, summons for security for cost (SFC) had been filed and the Chief Registrar on 11 February 2025 had determined SFC at \$4000.00 to be paid within 28 days. The appellant has failed to do so. Therefore, in terms of Rule 17(2) of the Court of Appeal Rules, the appeal is deemed abandoned. However, the Court of Appeal Registry has not served the appellant with a notice of abandonment with the sanction of the court as required by Practice Direction No.01 of 2023. Thus, technically, the appeal is still on foot.

[3] In the meantime, on the first call date itself (17 March 2025) the appellant has tendered a notice of discontinuance to discontinue the appeal with the concurrence of the respondents that there would be no cost. Accordingly, I make the following orders.

**Orders of the Court:**

1. *Appeal is dismissed in terms of section 20(1)(h) of the Court of Appeal Act.*
2. *No order as to cost.*



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

**Solicitors:**

Nambiar Lawyers for the Appellants  
AP Legal for the Respondent