

**IN THE HIGH COURT OF FIJI
AT LAUTOKA
CIVIL JURISDICTION**

CIVIL ACTION NO. HBC 350 OF 2003

BETWEEN : **BIRMATI SINGH** f/n Randhir Singh of Tuvu, Ba
Plaintiff

AND : **PRADEEP SINGH** f/n Jaswant Singh of Tuvu, Ba but now of Nasoso, Nadi.
INDIRA DEVI retired of Carlton Victoria, Australia.
SUNIL DEEP SINGH of 63 Gallipoli Parade, Vascoe Vale South Melbourne, Director of Computer Company.
JAI DEEP SINGH Qantas Flight Attendant of Broadmeadows, Victoria, Australia.
PRATIMA DEVI SINGH Public Servant of Northcote, Victoria, Australia.
KAMAL DEEP SINGH Businessman of Toronto, Canada.
CHANDRA DEEP SINGH of Surrey, BC, Canada.
Defendants

Before : Master Tuilevuka
Appearances : Mr. Sunil Deep Singh, the third defendant, appearing for himself and (by virtue of various powers of attorney granted to him) for Birmati Singh and all the other defendants except Pradeep Singh.
Mr. Anu Patel for the 1st defendant.
Date of Directions : 05 April 2013.

DIRECTIONS

- [1]. For the record, I had given Mr Anu Patel time to file written submissions on his client's position re: the latest development in this case. None has been received.
- [2]. The Registrar of Titles has approved the subdivision plan for *Certificate of Title No, 7736* completed by Pro-Survis. When I called this case on the last occasion, I proceeded on the view that the next step would be to get a valuer to value the lots. I then adjourned the case to consider whether I should direct the Deputy Registrar of the High Court at Lautoka to get quotations from a pool of valuers randomly selected by her and to select one therefrom who is to carry out the valuation of the lots. I have since mulled over and reconsidered the matter. In my view – before any valuation is done on the lots – and before any equality of exchange in value is carried out thereafter – and before the lots are subsequently drawn - it would be best to get the Registrar of Titles to, first, create the “new” certificates of title on each of the nine lots. The “new” certificates will have to remain in the names of the nine beneficiaries (who are currently joint-owners with 1/9 undivided share each of CT 7736). They (“new” certificates) are to be formally transferred to each individual

owner in due course (following the drawing of the lots, equality of exchange, and valuation). I understand that this process is precipitated by a request for which there is a form to be filled. I hereby direct the Deputy Registrar to liaise with the Office of the Registrar of Titles in Suva and to handle all due process. For the record, I hereby authorise the Deputy Registrar to sign and date all documentation involved in the application process, for and on behalf of all the nine beneficiaries of the Singh estate. The Deputy Registrar is also to confirm from the Office of the Registrar of Titles an estimate of the fees that will be involved in the entire process (of creating new certificates of title) and this is to be drawn from the Singh estate account at the ANZ Bank and to be paid into the High Court.

DIRECTIONS

- [3]. The Deputy Registrar (High Court Lautoka) is:
- (i) to liaise with the Office of the Registrar of Titles in Suva within 3 days (**i.e. by Tuesday 09 April 2013**) and work out the mechanics of how the above may be carried out – including the fees involved.
 - (ii) **compile a report** on the above and **circulate it to all stakeholders** (i.e. all beneficiaries in the Singh estate) by **Wednesday 10 April 2013**. The report must outline the following:
 - steps to be taken
 - the particular forms to be filled
 - fees
 - normal processing time
 - whether processing time can be abridged
 - (iii) proceed with the application(s) (and sign the applications) to the Registrar of Titles.
 - (iv) provide and circulate to all stakeholders an update report as and whenever required by them or by the court.
 - (v) obtain the Certificates of Title for each Lot which will be in the name of the estate.
- [4]. At the completion of the above process, the Deputy Registrar is then to get quotations from a pool of valuers randomly selected by her and to select one therefrom who is to carry out the valuation of the lots. After obtaining the valuations, she is then to report accordingly to all stakeholders and to then set a date for, and organise, the equality of exchange. A copy of this Ruling is to be circulated to the Office of the Registrar of Titles.

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Master Tuilevuka
05 April 2013.