

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.
SURYA DEEP SINGH

PLAINTIFFS

AND : **PRADEEP SINGH**

AND : **INDIRA DEVI**

AND : **SUNIL DEEP SINGH**

AND : **JAI DEEP SINGH**

AND : **PRATIMA DEVI SINGH**

AND : **KAMAL DEEP SINGH**

AND : **CHANDRA DEEP SINGH**

DEFENDANTS

Counsel: S.B. Patel for the 1st Defendant.

All other parties in person.

Date of Ruling: 30 September, 2013

R U L I N G

(formal sanction of Results of Drawing of the Lots)

1. This case has had a chequered history.

(<http://www.paclii.org/cgi-bin/disp.pl/fj/cases/FJHC/2009/274.html?stem=0&synonyms=0&query=birmati and singh>)

(<http://www.paclii.org/cgi-bin/disp.pl/fj/cases/FJHC/2011/723.html?stem=0&synonyms=0&query=birmati and singh>)

(<http://www.paclii.org/cgi-bin/disp.pl/fj/cases/FJHC/2012/1434.html?stem=0&synonyms=0&query=birmati and singh>)

(<http://www.paclii.org/cgi-bin/disp.pl/fj/cases/FJHC/2013/164.html?stem=0&synonyms=0&query=birmati and singh>)

2. But this morning, at 10.00 a.m., after a rather long drawn out history, the Lots, were finally drawn out in a ceremony supervised by the Deputy Registrar and with a Police Constable in attendance. I thank the Deputy Registrar Legal at Lautoka High Court, Mr. Krishan Prasad, for the success of that process.

3. The next step is to formally sanction the results of the draw which I now do so by formally pronouncing the following Orders:

PURSUANT TO THE CONSENT ORDERS of Mr. Justice Connors of JULY 2007, **AND IN ACCORDANCE WITH** the results of **THE DRAWING OF THE LOTS THIS MORNING, MONDAY 30 SEPTEMBER 2013 AT 10.00 A.M.** which was supervised by the Deputy Registrar of the High Court of Fiji at Lautoka, Mr. Krishan Prasad, **I ORDER AS FOLLOWS:**

THAT LOTS 1 TO 9 ON DEPOSIT PLAN NO. 10394 in the district of Ba in the island of Viti Levu be allocated as follows:

- (i). Lot 1 –CT 41271 – Surya Deep Singh
 - (ii). Lot 2 -CT 41272 – Pratima Devi Singh
 - (iii). Lot 3 – CT 41273 – Pradeep Singh
 - (iv). Lot 4 – CT 41274 – Birmati Singh
 - (v). Lot 5 – CT 41275 – Indira Singh
 - (vi). Lot 6 – CT 41276 – Sunil Deep Singh
 - (vii). Lot 7 – CT 41277 – Jai Deep Singh
 - (viii). Lot 8 – CT 41278 – Chandar Dip Singh
 - (ix). Lot 9 – CT 41279 - Kamal Deep Singh
4. Having done that, what is to happen next, as per Connors J’s Consent Orders, is for the parties to engage in the Equality of Exchange, and thereafter, to complete the formal conveyancing process.
5. There are Capital Gains Tax and Stamp Duty implications involved. Furthermore, as most, if not all, of the beneficiaries involved are non-residents, there are also Land Sales Act implications.
6. I record here that these were discussed briefly in Court this morning. The parties agree, except Pradeep Singh who will continue to retain Mr. Anu Patel, that they will engage a common solicitor who will liaise with Mr. Patel and work out the mechanics of the Equality of Exchange process and, thereafter, the conveyancing process. The parties are at liberty to apply to Court for any Order to facilitate the conveyancing and/or settlement process.

7. Meanwhile, the Court will retain custody of each Duplicate Certificate of Title. These will only be released to each entitled party (as per paragraph 4. above) and/or to their respective solicitor:

- (i). on application, and
- (ii). for the purpose of settlement or for any purpose relevant for the furtherance of settlement.

ORDERS

- (i) formal Orders as per paragraph 3. above.
- (ii) matter is taken off the cause list. Parties may apply.

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Anare TUILEVUKA
JUDGE
30 September 2013.