

**IN THE HIGH COURT OF THE REPUBLIC OF FIJI**  
**WESTERN DIVISION**  
**AT LAUTOKA**

**Civil Action No. HBC 213 of 2011**

**BETWEEN** : **FAIAZ SHABANA ATIKA** of 79 Lind Street, Fairfield Heights,  
Sydney, New South Wales, Australia

**PLAINTIFF**

**AND** : **MOHAMMED YUSUF IQBAL** of 55 Tua Place, Mangeare,  
Auckland, New Zealand, Mechanic

**DEFENDANT**

**Before** : Master M H Mohamed Ajmeer

**Appearances:**

No appearance for the Plaintiff

No appearance for the Defendant

**Date of Hearing** : 21 July 2014

**Date of Final Order** : 21 July 2014

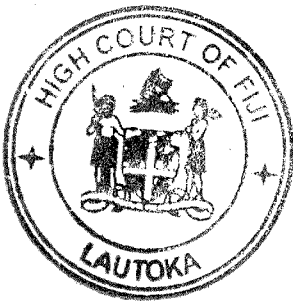
**FINAL ORDER**

[1] This is a notice issued by the Registry of Lautoka High Court pursuant to Order 25, Rule 9 of the High Court Rules 1988 requesting the Plaintiff to show cause why the matter should not be struck out for want of prosecution. Order 25 rule 9 (1) provides:

*“(1) If no step has been taken in any cause or matter for six months then any party on application or the Court of its own motion may list the cause or matter for the parties to show cause why it should not be struck out for want of prosecution or as an abuse of the process of the Court.*

2) Upon hearing the application the Court may either *dismiss the cause [or] matter on such terms as may be just or deal with the application as if it were a summons for directions*".(Emphasis added).

- [2] The Notice has been served on the Plaintiff's Lawyer's receiver, Messrs Krishna & Co. The matter was filed by the Plaintiff on 30/12/11. Thereafter the Plaintiff did not take any step to progress the matter. The matter is just idling since initiation.
- [3] The matter was listed, by the court's own motion, for the plaintiff to show cause why it should not be struck out for want of prosecution. The Plaintiff has no cause to show or otherwise failed to show cause why the matter should not be struck out for want of prosecution. The court may either dismiss the matter or deal the application (here notice) as if it were a summons for directions pursuant to Ord.25, r.9 (2). There is no need to deal with the notice as if it were a summons for direction as the plaintiff has shown no interest at all. I therefore dismiss and struck out the matter for want of prosecution, but without cost. Order accordingly.



*M H Mohamed Ajmeer*

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**M H Mohamed Ajmeer**  
**Master of the High Court**

**At Lautoka**

**21 July 2014**