

IN THE HIGH COURT OF FIJI
WESTERN DIVISION
AT LAUTOKA

CIVIL JURISDICTION

CIVIL ACTION NO. HBC 19 OF 2014B

BETWEEN : **LITIANA VAKAREWA NAGADI** of 47A Marine Quarters,
Namara, Labasa, Fiji, Acting Estate Officer.

Plaintiff

AND : **PRAKASH CHANDRIN NAICKER** also known as
PRAKASH CHANDIRAN NAICKER of Colasi, Rakiraki,
Fiji, Farmer

Defendant

Appearances:

Ms M Tikoisuva Mareta for the plaintiff

Defendant in person

Date of Hearing : 20/08/14

Date of Judgment : 20/08/14

JUDGMENT

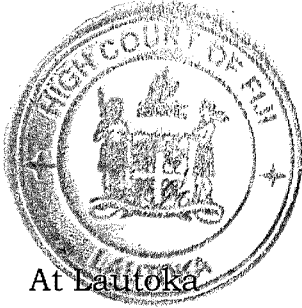
1. This is an application for Summary Judgment supported with affidavit of Litiana Vakarewasa Nagadi, plaintiff (the application) filed on 24 April 2014 pursuant to Order 14 of the High Court Rules 1988 seeking specific performance pursuant of Sale & Purchase

agreement entered into between the Plaintiff and the Defendant (Exhibit F).

2. The transfer of leave to the Plaintiff has been consented by the Director of Lands on 06/08/13.
3. The defendant did not file any response to the plaintiff's application. As a result, the facts pleaded by the plaintiff in her supporting affidavit remain unchallenged.
4. When the matter came on for hearing today, 20 August 2014, the Defendant consented and agreed to transfer of the lease to the Plaintiff upon payment of the sum of \$57,000.00, [\$65,000.00 - \$8,000.00 (\$ 3,000.00 deposit and expenses incurred by the Plaintiff)] being the balance consideration into his bank account.
5. When giving the consent, the Plaintiff told that he fully understood the nature and consequence of his consent. I explained that he cannot change his consent afterwards. He then reconfirmed his consent to transfer the property to the Plaintiff.
6. The Plaintiff also agreed to deposit the sum of \$57,000.00 into the Defendant's bank account (account number to be given by the defendant) upon execution.
7. I therefore, by consent, make order that the defendant forthwith do all that is necessary to transfer part of the land comprised in Crown Lease no. 15841 on Lot 8 SO 4708 Vatumani (Pt of) Rakiraki, Ba having an area of 845m² for a consideration \$65,000.00 (to be paid the plaintiff minus \$8000.00). The transfer is to be completed within two weeks from today, 20 August 2014. If the Defendant fails to effect the transfer in favour of the plaintiff within two weeks, the Plaintiff will be free to apply for execution. I make no orders as to costs.

8. Order accordingly

M H Mohamed Ajmeer



At Lautoka

20/08/14

Messrs Mitchell Keil, solicitors for the plaintiff

Defendant in person