

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

**CIVIL JURISDICTION**

**Civil Misc Action HBC 72 of 2015**

**BETWEEN** : **VINOD NAIDU** of Vaqia, Ba  
**FIRST PLAINTIFF**

**HYDAR BEGG** of Waimari, Rakiraki  
**SECOND PLAINTIFF**

**ANWAR ALI** of Waimari, Rakiraki  
**THIRD PLAINTIFF**

**MOHAMMED AFZAL KHAN** of Drumasi, Tavua  
**FOURTH PLAINTIFF**

**MALKIT SINGH** of Vaqia, Ba  
**FIFTH PLAINTIFF**

**SAT DEO** of Balevuto, Ba  
**SIXTH PLAINTIFF**

**YOGENDRA KANT** of Natawa, Tavua  
**SEVENTH PLAINTIFF**

**ANAND LAL** of Madhuvani, Rakiraki  
**EIGHTH PLAINTIFF**

**GAJRAJ SINGH** of Banisogosogo, Rakiraki  
**NINTH PLAINTIFF**

**PRAMOD KUMAR** of Lausa, Tavua  
**TENTH PLAINTIFF**

**A N D** : **RARAWAI & PENANG CANE PRODUCERS' ASSOCIATION** having its registered office at the First Floor, Sunbeam Building, Main Street, Ba  
**DEFENDANT**

**Counsel** : Mr Aman R Singh for plaintiff

No appearance for defendant

**Date of Hearing:** 12 June 2015

**Date of Ruling :** 12 June 2015

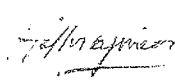
# R U L I N G

1. This is an *ex parte* application filed 12 June 2015 by plaintiffs seeking *inter alia* an urgent injunctive order to stop tomorrow's Extra Ordinary Meeting convened by defendant ('the application'). The application is supported by an affidavit sworn by Vinod Naidu, the first plaintiff.
2. The application has been made under O.29.r.1 of the High Court Rules 1988, as amended ('HCR'). Where the applicant is the plaintiff and the case is one of urgency and the delay cause by proceeding in the ordinary way would entail irreparable or serious mischief such application may be made *ex parte* on affidavit, see HCR, O.29, r.1 (2).
3. The applicants are 10 Board members who have been suspended by a decision made at the previous Annual General Assembly held on 30 March 2015. The applicants challenge validity of their suspension.
4. The defendant association, according to the plaintiff, is run by four minority Board Members. An Extra Ordinary Meeting of the members of the defendant was scheduled previously to be held on 16 May 2015. That meeting was not held because of the injunction obtained by the plaintiffs to stop that meeting. That injunctive order was subsequently dissolved by the court following *inter partes* hearing.
5. Subsequently, an Extra Ordinary Meeting has been scheduled for tomorrow, 13/6/15. The plaintiff made an application *ex parte* before Justice Sapuvida seeking injunctive orders to stop the tomorrow's meeting. That application was heard and refused this morning by Justice Sapuvida.

6. The current application before me is the second application filed this afternoon seeking the same orders that were sought before Justice Sapuvida in the morning.
7. Counsel for the plaintiffs submits that the current application is a fresh application. In my view, the current application is not a fresh application as it seeks the selfsame relief that was sought before Justice Sapuvida. The application does not bring out any change of circumstances between the morning and the afternoon.
8. I am not inclined to accept the argument advanced by counsel for the plaintiffs that it would be dangerous to allow to hold tomorrow's meetings.
9. I am of the view that Extra Ordinary Meeting will not prejudice the Plaintiffs' pending case or it will not affect their rights in any way.
10. I am not satisfied that I should issue an injunction to stop tomorrow's meeting. I accordingly decline to issue the *ex parte* injunction sought in the *ex parte* notice of motion filed in the afternoon of 12 June 2015.



At Lautoka  
12.6.15

  
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M H Mohamed Ajmeer  
JUDGE