

IN THE HIGH COURT OF FIJI
APPELLATE JURISDICTION
AT LAUTOKA

Civil Appeal HBA No.08 of 2016
(SCT 44/14-Appeal No. 07/14)

BETWEEN : **RESHMA WATI** of Korovuto, Ba, Fiji.

RESPONDENT/APPELLANT

A N D : **SANJEETNA** of Loloma Street, Tavua.

CLAIMANT/RESPONDENT

Appearances : Mr N Padarath for Appellant
Respondent in Person

Date of Hearing : 01.11.2016

Date of Order : 01.11.2016

ORDER

1. This is an appeal from the Magistrate's Court sitting at Tavua where the learned Magistrate affirmed an award of the Small Claims Tribunal (**SCT**) made against the respondent. The SCT ordered that the appellant pays the respondent a sum of \$4,230.00.
2. The appeal came on for hearing today (01.11.2016) when the respondent appearing in person informed the Court that she is prepared to forego her claim made in the SCT, if the appellant takes an oath to the effect that she (appellant) does not owe any money to her (respondent).

3. The respondent agrees to take such an oath as suggested by the respondent. The appellant accordingly takes oath and says that “*I don't owe any money to my sister (appellant)*”.
4. As a result, the respondent foregoes all her claims in the Small Claims Tribunal Action No. 44 of 2014.
5. The matter now stands settled by a decisory oath. I therefore set aside the order of Small Claims Tribunal made in SCT Claim No. 44 of 2014.
6. The registry to transmit the record back to Magistrate's Court, Tavua.

Final Orders

1. Appeal allowed.
2. Small Claims Tribunal's order set aside.
3. The Registry to transmit the record back to the Magistrate's Court, Tavua.

M.H. Mohamed Ajmeer
1/11/16

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M.H. Mohamed Ajmeer

JUDGE

**01 November 2016
At Lautoka**

