

**IN THE HIGH COURT OF FIJI**  
**(WESTERN DIVISION) AT LAUTOKA**  
**CIVIL JURISDICTION**

**CIVIL ACTION NO. HBC 221 OF 2016**

**BETWEEN :**     **TAGRA SPARE PARTS & CARWASH (FIJI) LIMITED** a  
limited liability company having its registered office at  
Lautoka in the Republic of Fiji Islands.

**PLAINTIFF**

**A N D**         **SAROJNI NARAYAN & VICKY HARISH NARAYAN** both of 34  
Ravouvou Street, Lautoka, Property Owners.

**DEFENDANTS**

**Appearances**         :     Mr Z Shafi Mohammed for Plaintiff

                               :     Non- appearance for Defendants

**Date of Hearing**       :     20 March 2017

**Date of Ruling**       :     20 March 2017

**R U L I N G**

1. This is an ex-parte application seeking a stay of execution pending leave to appeal. The application is supported by an affidavit of Amal Dip Singh, the Managing Director of the plaintiff company. In paras 5 and 6 of the supporting affidavit, the plaintiff states:

“...

*5. That if in the event [sic] this Honourable Court and/or the Court of Appeal grants leave and stay on the purported consent Orders at a later date, the same will become redundant by reason of the present Writ of Possession and the Plaintiffs ousted from the subject premises.*

6. That in all the circumstances of the case it would be in the interest of justice to grant a Stay on the Writ of Possession. The Plaintiff has proffered to the Defendant the monthly rental which has been rejected by the Defendant.

...”

2. The leave to appeal application is coming up for hearing on 4 April 2017. In that application the plaintiff is seeking a stay of execution of the writ of possession, which has already been issued.
3. The Writ of Possession has been issued on the strength of the purported consent orders, which the plaintiff is challenging on the ground that the plaintiff did not instruct its former solicitors, Messrs Iqbal Khan & Associates to settle the matter.
4. Upon reading the affidavit and upon hearing the submissions made by counsel appearing for the plaintiff in court today, I am satisfied that the application to stay of execution pending determination of the plaintiff's application for leave to appeal will be stified. I would, therefore, grant a limited stay of execution of the writ of possession to be valid till 4 April 2017. This order is to be served to the defendants forthwith.
5. The matter is adjourned before Tuilevuka J. for hearing at 9.30am on 4 April 2017.

*M H Mohamed Ajmeer*  
20/3/17

**M H Mohamed Ajmeer**

**JUDGE**

**At Lautoka**

**20 March 2017**

