

IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION

Civil Action No. HBC 257 of 2019

BETWEEN: UMESH CHAND of Tuirara Subdivision Tovata, Nasinu, Farmer.

PLAINTIFF

AND: MAMTA MONNA KAMINI of Lot 19 Kaicaca Lane Muanikoso Housing Subdivision.

FIRST DEFENDANT

AND: REGISTRAR OF TITLES

SECOND DEFENDANT

AND: ATTORNEY GENERAL OF FIJI

SECOND DEFENDANT

BEFORE: Justice Vishwa Datt Sharma

COUNSEL: Mr. Chandra S. - for the Plaintiff
Ms. Singh P. - for 2nd & 3rd Defendants

DATE OF DECISION: 3rd October, 2019 @ 9.30 am

DECISION

[Plaintiff's Inter Parte Motion seeking orders to pursuant to
Sections 82, 85 and 112 of the Land Transfer Act]

1. This is the Plaintiff's Inter-Parte Notice of Motion coupled with Affidavit in Support seeking for the following interlocutory orders.
 - (i) That the Second Defendant do register Plaintiff's Caveat lodged with the Registrar of Titles on 22nd July 2019 being Caveat Number 878930 on land described as NL 23231 Tuirara Subdivision Lot 118 as shown Lot 19 on SO 1808.

Alternatively
 - (ii) Leave be granted to the Plaintiff to register a second Caveat in the event it is determined that Plaintiff's first Caveat had lapsed.
 - (iii) An interim injunction restraining the First Defendant either by herself by her servants and/or agents from disposing or dealing with the said property until further order of the Court.
 - (iv) That there be order of costs in favour of the Plaintiff.
 - (v) Such further and other relief upon the ground set forth in the Affidavit of Umesh Chand filed in Support herein.
2. This application has been made pursuant to Sections 82, 85 and 112 of the Land Transfer Act and the inherent jurisdiction of this Honourable Court.
3. Affidavit Response to the Plaintiff's application was filed by the First Defendant only.
4. Response Affidavit to the First Defendant's Affidavit was filed by the Plaintiff thereafter accordingly. No Affidavit Responses were filed by the Second and Third Defendants.
5. The application proceeded to hearing on 3rd October 2019.
6. The counsels representing the parties to this proceeding made oral submissions on a piece meal basis and this court was of the view that the parties may resolve to the orders sought by the Plaintiff herein bearing in mind the nature of their submissions made and the orders sought herein.
7. The matter was stood down for some time for counsels representing the parties to this proceeding to discuss and resolve the issues accordingly.
8. The court subsequently resumed and the counsels informed Court that the parties have reached an agreement and sought for consent orders to be made accordingly.
9. By consent the following interlocutory orders were made:
 - (i) Matter resolved by parties to the proceedings
 - (ii) Status quo to be maintained until the final determination of the substantive matter.

- (iii) The Second Caveat of the Plaintiff will not be registered by the Second Defendant Register of Titles as of now.
- (iv) The first Defendant will not transfer and/or dispose of the property until the outcome of the substantive matter.
- (v) The Plaintiff to file and serve a Statement of Claim on to the Defendants.
- (vi) Mention on 6th November 2019 at 9.30 am for directions to be made in terms of the pending substantive matter.

Dated at Suva this 3rd Day of October, 2019



Vishwa Datt Sharma
Judge