

In the High Court of Fiji

At Suva

Civil Jurisdiction

Civil Action No. HBM 128 of 2020

Pranil Sharma Investments

Applicant

v

Vodafone Fiji Ltd

Respondent

Counsel: The applicant in person
Ms S. Devan for the respondent

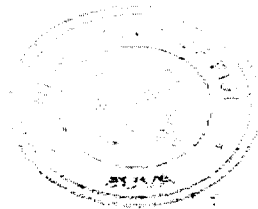
Date of hearing: 12th February, 2021

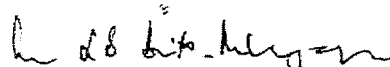
Date of Ruling: 23rd February, 2021

Ruling

1. By summons filed on 27 January, 2020, the respondent seeks that the time within which it was to file affidavit in opposition be extended and leave be granted to serve its affidavit.
2. Ms Deepti Gandhi, Senior Associate of Ms Neel Shivam Lawyers in her supporting affidavit states that I ordered the respondent's affidavit in opposition to be filed in the Legal Vacation. By virtue of the Hon Acting Chief Justice's order titled "*LEGAL VACATION*" published in the Fiji Govt Gazette Notice no 90 of 25th September, 2020 the "*time of the vacations shall not be reckoned in the computation of the times appointed .. for filing of any pleadings*".
3. The applicant, in his affidavit in reply moves for a dismissal of the summons and for final orders for \$ 1 million and cost of \$ 20,000.00 to be paid by the respondent.

4. On 28th January,2020, the applicant filed an interlocutory motion and supporting affidavit “*to order criminal charge against*” the respondent for not obeying my order of 4th December,2020, to file its affidavit in opposition.
5. Ms Devan, counsel for the respondent submitted that the applicant’s interlocutory motion does not comply with Or 8, r 3(1) and (2), Or 32,r1. Or 41, r 1(4) and (6) and Or 52, r2.
6. On 4th December,2020, I directed that affidavit in opposition be filed on 29th December,2020.
7. In my view, the respondent is not in contempt of Court for not filing its affidavit in opposition on 29th December,2020. The applicant’s application is misconceived and an abuse of process of Court. The application is declined.
8. In view of the Hon Acting Chief Justice’s order, the respondent’s summons for extension of time to file and serve affidavit in opposition is allowed.
9. The applicant is granted time to file affidavit in reply. No prejudice has been caused to the applicant. The hearing was fixed for 16th March, 2021.
10. **Orders**
 - a) The respondent’s summons for extension of time to file and serve affidavit in opposition is allowed.
 - b) The respondent shall file and serve its affidavit in opposition on or before 25th February,2021.
 - c) The applicant shall file and serve its affidavit in reply on or before 5th March,2021.
 - d) I make no order as to costs.




A.L.B. Brito -Mutunayagam
JUDGE
23rd February,2021