

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

Civil Action No. HBC 178 OF 2017

BETWEEN : **GANGA REDDY** as the lawful President, **ANIL PRASAD** Treasurer,
SANJAY SEN Assistant Secretary, **PRAKASH NAIR** Vice President
and **DAYA NAND** former Secretary of The Bharatiya Mitra Mandali
Management Board

PLAINTIFFS

AND : **JERALD DEO** (Manager) **NAVIN KUMAR** (Secretary) **ARVIND**
KUMAR (Vice President) **ROHAN PRASAD, SADA SIVAN NAIDU**
and **RAJ DEO** as Board Member of The Bharatiya Mitra Mandali
Management Board operating as TILAK HIGH SCHOOL.

DEFENDANTS

Date of Hearing : 02 May 2022
Date of Ruling : 24 June 2022
Appearances : Mr. E. Dass for the Plaintiffs
Ms. N. Khan for the Defendants

RULING

1. Before me is an Amended Summons filed by the plaintiffs pursuant to Order 15 Rule 4 of the High Court Rules 1988 seeing the leave of the Court to join Prem Singh, Rakesh Pramod Kumar and Jagdish Singh and Bharatiya Mitra Mandali as the second Defendants.
2. The Summons is supported by an affidavit sworn by Ganga Reddy on 29 November 2021 and a Supplementary Affidavit sworn on 18 January 2022 and also an affidavit sworn by Arvin Kumar filed on 22 July 2021.
3. The defendants have not filed any affidavit in opposition.

4. The main reasons why the plaintiffs wish to join the above-named persons as defendants appears to be based on the following:
- (a) the current-defendants no longer function as the Management Committee of the Bharatiya Mitra Mandali
 - (b) as such, the above-named persons need to be joined as second defendants so they can be accountable to the issues raised in this case.
 - (c) the above-named persons are the current trustees of the Mandali.
 - (d) the above-named persons “engineered the whole debacle so that the Trustees could take over the Management and operation of the school.
 - (e) as trustees, the above-named persons cannot take over the management and operation of the school including the operation of the Bank Accounts. The Mandali constitution does not allow for that.
 - (f) there are some particular transactions involving the sum of \$76,000 and \$247,000 which need to be accounted for by the said above named persons in their capacity as trustees.
5. Arvin Kumar, who is one of the current defendants, gives an account at paragraphs 3 to 13 of his affidavit sworn on 05 May 2021 and filed on 22 July 2021 of how the above named proposed second defendants were involved in stage-managing the affairs of the school and the Mandali which led inter alia to the removal of Ganga Reddy as President and also the subsequent resignation of the current named defendants from their involvement in the Management Committee out of frustration.
6. The allegations in the affidavit of Arvin Kumar, in particular the proposed defendants involvement in interfering with the affairs of the Management Committee at the material time in question – are relevant to the plaintiffs’ grievances relating to his removal as President.
7. I grant leave to the plaintiff to add the above-named persons as second defendants. Costs in the cause.



Anare Tuilevuka
JUDGE
Lautoka

24 June 2022