

**IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION**

CIVIL ACTION NO.: HBC 86 of 2021

BETWEEN : **NEW HEBREDEAN COMMUNITY**
PLAINTIFF

AND : **JOESVA RAUMAITAU aka JOE TARIA**
FIRST DEFENDANT

: **VANI TARI aka VANI DIMATE**
SECOND DEFENDANT

: **SAIMONI DOBUI**
THIRD DEFENDANT

: **LOSIO BOLEYASI WAQANIVALU**
FOURTH DEFENDANT

: **ETUENI QUILELE CAUCAU**
FIFTH DEFENDANT

: **ASESELA BIUTIVITI**
SIXTH DEFENDANT

: **SERESIO NAIKASAU**
SEVENTH DEFENDANT

: **WILLIAM ROBERT**
EIGHTH DEFENDANT

: **MARIKA TUNIDAU**

NINETH DEFENDANT

: **MASTER. PENI TAQUWA TAWAI aka
PAULA KALOUKOCEI**

TENTH DEFENDANT

: **MACIUSELA RAILUMU**

ELEVENTH DEFENDANT

: **KOROVOU SETTLEMENT TRUST**

TWELFTH DEFENDANT

: **THE DIRECTOR OF LANDS**

THIRTEENTH DEFENDANT

: **ITAUKEI LANDS TRUST BOARD**

FOURTEENTH DEFENDANT

: **THE REGISTRAR OF TITLES**

FIFTEENTH DEFENDANT

APPEARANCES/REPRESENTATION

PLAINTIFF	:	Mr. S. Raikanikoda [Raikanikoda & Associates]
FIRST DEFENDANT	:	In Person
SECOND DEFENDANT	:	Not Present
THIRD DEFENDANT	:	Withdrawn
FOURTH DEFENDANT	:	Not Present
FIFTH, SIXTH & SEVENTH DEFENDANTS	:	Withdrawn

EIGHTH DEFENDANT : **Matter Discontinued**
NINTH DEFENDANT : **Matter Discontinued**
TENTH DEFENDANT : Not Present
ELEVENTH DEFENDANT : Not Present
TWELFTH DEFENDANT : Mr K Prasad [Legal Aid Commission]
THIRTEENTH & FOURTEENTH DEFENDANT : [Matter Discontinued]
Ms M Faktafoon [Attorney-General's Chambers]
FIFTEENTH DEFENDANT : **Matter Discontinued**
RULING BY : Acting Master Ms Vandhana Lal
DELIVERED ON : **25 March 2022**

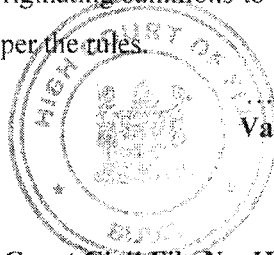
RULING


1. The Plaintiff named as "*New Hebredean Community*" initiated proceedings pursuant to Order 113 of the High Court Rules.
2. One of the Defendants namely the 12th Defendant is named as "*Korovou Settlement Trust*".
3. I had raised issue on whether the Plaintiff and the 12th Defendant were named correctly that is whether the community can bring proceedings under its name and the Settlement Trust can be named as a party.
4. The "*Korovou Settlement Trust*" is registered with Registrar of Titles and there are 6 trustees appointed at a special general meeting held on 20th November, 2016. These trustees are said to hold office for 05 years.
5. The said trust was created to obtain a Native Lease on Lot 27 by the Yavusa Totogo of Draiba with beneficiaries to be the inhabitants of Korovou Settlement holding lease interest with Mataqali Totogo, their heirs and successors domicile in the settlement.

6. Pursuant to Section 8 of the Charitable Trusts Act board of trustees incorporated can sue or be sued in all proceedings civil or criminal.
7. Hence the Plaintiff, had to conduct the latest search for the trustees of the settlement and bring the proceeding against them as trustee for the Korovou Settlement Trust.
8. Similarly, the New Hebredean Community had to bring proceeding via its registered trustees.
9. Alternatively Order 15 Rules 14(1) and Rule 15 would apply respectively for the Plaintiff and the 12th Defendant;
 - The Plaintiff can appoint one representative under whose name the action can proceed as representative of all [Order 15 Rule 14(1)];
 - One or more persons are appointed to represent the members of the trust of there are no new trustees appointed and registered [Order 15 Rule 15].

Orders

10. Hence the Plaintiff is directed to amend its Originating Summons to reflect the above.
11. An amended originating summons is to be filed amending the names of the Plaintiff and 12th Defendant and removing the Defendants against whom the plaintiff has discontinued or withdrawn the matter.
12. Amended originating summons to be served on parties against whom the action is still on foot and as per the rules.




Vandhana Lal [Ms]
Acting Master
At Suva.

TO:

1. Suva High Court Civil File No. HBC 86 of 2021;
2. Raikanikoda & Associates, Solicitors for the Plaintiff;
3. Legal Aid Commission, Solicitors for the Twelfth Defendant.