

3. The above orders were made following a three-day split trial in June 2020 in a medical negligence case filed by Viliame Tiko in his capacity as beneficiary interested in the estate of his late infant son, Kitione Waqa Wilkinson.
4. On 13 April 2015, Tiko took his infant son to Ba Health Centre for medical attention and examination due to an injury caused by a small piece of stick which had pierced the infant under the tongue on 12 April 2015.
5. At the hospital, the infant was seen by a nurse, was given some medicine – and then was sent back home.
6. At home, the infant’s condition became worse overnight. On the morning of 15 April 2015, Tiko took his infant son again to Ba Health Centre where he was seen by the same staff nurse who had seen him on 13 April 2015. The staff nurse then referred the infant to a medical doctor who – following an x-ray – referred the infant to Lautoka Hospital for surgery.
7. Following surgery at Lautoka Hospital, the infant later developed complications. He died later as a result of these.
8. I will not repeat here the principles of stay pending appeal. These are set out succinctly in **Stephen Patrick Ward v Yogesh Chandra** CBV 10 of 2010, 20th April 2011 per Gates CJ; **Natural Waters of Viti Limited v Crystal Clear Mineral Water (Fiji) Ltd** , ABU 11 of 2004, 18 March 2005 per Calanchini J and **Emosi Silikiwai v The Attorney-General** FJCA Civil Appeal No. 0074/16.
9. I have perused the grounds of appeal and I am satisfied – after hearing submissions from counsel – and the issues raised - that I should grant stay.
10. Parties to bear their own costs.



Anare Tuilevuka
JUDGE
Lautoka

26 October 2022