

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

**CIVIL ACTION NO.: HBC 109 of 2015LTK**

**BETWEEN : RAVENDRA'S NADRO FOOD MART LIMITED**

**PLAINTIFF**

**AND : B L NAIDU PROPERTIES LIMITED**

**DEFENDANT**

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**REPRESENTATIONS**

**PLAINTIFF : PILLAI NAIDU & ASSOCIATES**

**DEFENDANT : NEEL SHIVAM LAWYERS**

**RULING BY : Acting Master Ms Vandhana Lal**

**DELIVERED ON : 05 JULY 2023**

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**INTERLOCUTORY RULING**

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1. The Plaintiff seeks orders for the matter to be transferred to Lautoka High Court on the ground that parties, Plaintiff's Counsel, and subject disputed property is in the Western Division.
2. This action was initiated at the Lautoka High Court and the file number used is the initial action number allocated by Lautoka High Court civil registry.
3. On 23<sup>rd</sup> September 2015, the Plaintiff's then solicitors made an application at the Master's Court, Lautoka for the matter to be transferred to the Suva High Court.
4. On 09<sup>th</sup> October 2015, the parties' respective counsels appeared before the then Acting Master of the High Court at Lautoka. The Plaintiff's Counsel moved its application for

transfer of the matter to Suva High Court and there was no objection raised by the Defendant. Accordingly, the matter was transferred to the Suva High Court Civil Court.

5. The Plaintiff relies upon Order 33 of the High Court Rules which speaks of place and mode of trial.
6. This proceeding currently is far from its trial stage. Parties are yet to complete discovery and convene a pre-trial conference.
7. By transferring this file back to Lautoka will indeed cause further delay to the proceedings.
8. Undoubtedly the Master of High Court Lautoka is inundated with civil matters. Whilst Suva High Court now has 02 Masters of the High Court and there will be more effective case management of the matter here.
9. This matter can without further delay proceed towards completion of pre-trial requisites and once ready can be transferred to the Lautoka High Court for trial to save costs of witnesses travelling to Suva.

#### Orders

10. Parties are directed to complete the pre-trial requisites. Only upon filing of the Order 34 summons and copy pleading will the matter be transferred to Lautoka High Court.



*[Handwritten Signature]*  
 Vandhana Lal [Ms]  
 Master of the High Court  
 At Suva.

#### TO:

1. Lautoka High Court Civil File No. HBC 109 of 2015 LTK;
2. Pillai Naidu & Associates, Solicitors for the Plaintiff;
3. Neel Shivam Lawyers, Solicitors for the Defendant.