

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

**CIVIL ACTION NO.: HBC 207 of 2020**

**BETWEEN : RISHI CHAND**  
**PLAINTIFF**

**AND : TERESIA RIGSBY trading as RIGSBY LAW**  
**FIRST DEFENDANT**

**: VANITA DEVI SINGH**  
**SECOND DEFENDANT**

---

**APPEARANCES/REPRESENTATION**

**PLAINTIFF : Mr. A. Chand [Amrit Chand Lawyers]**

**FIRST DEFENDANT : No Appearance Entered**

**SECOND DEFENDANT : Claim Dismissed**

**RULING BY : Master Ms Vandhana Lal**

**DELIVERED ON : 1<sup>st</sup> September 2024**

---

**ASSESSMENT OF DAMAGES**

---

1. I had earlier entered an interlocutory judgment against the First Defendant and later heard the Plaintiff's evidence to assess damages.
2. The Plaintiff alleged that the First Defendant had failed to protect his interest in civil action 42 of 2019 and consented to orders in the said case. The consent orders were entered without the Plaintiff's instructions. He claims \$50,000 as damages.
3. The Plaintiff's evidence is summarised as follows:

He is a school teacher for 30 years.

He owned a property with his former wife under joint ownership. This is a freehold land.

He had engaged Teresia Rigsby when he received a summon from his wife regarding the property. He engaged her for legal services and paid money.

His instruction to the First Defendant was to consult him and not to commit to anything. He did not instruct her to consent for the sale of the property in HBC 42 of 19 where Vanita Singh was demanding the sale of the property and distribution of shares.

According to him the First Defendant also failed to communicate to him about the consent orders entered.

His intention was to pay off Vanita's share and buy the property as he did not own any other property.

Due to the consent orders, he was mentally disturbed leading to stress and becoming a hypertension patient. He was diagnosed in 2019. He is now taking pills. He does not have a medical report.

He complains of sleepless night and not giving family time.

He had filed a complaint to LPU against the First Defendant. He is still awaiting outcome of the same.

He is living with the fear of losing the property as his family stays with him.

According to him the First Defendant has betrayed the trust of a client and was unfaithful. He feels betrayed as he had looked upon her for help.

He claims to have paid legal fees to the First Defendant in the sum of \$5,200.

He claims \$50,000 for financial loss; disturbance and hassle.

4. The Plaintiff also called Salesni Lata as a witness.

She is a school teacher and is the Plaintiff's wife and is with the Plaintiff since 2018.

According to her, as at 2019 the Plaintiff's health was "ok". Since the incidents with the lawyer his health deteriorated and was mentally disturbed. He would talk about stress and have headache. He would be sick and not go to school.

After engaging the current solicitors and discussing about the case the Plaintiff's health started improving and is better compared to 2019.

She had visited the doctor with him.

5. From the pleadings and the evidence, it is clear that the Plaintiff is not claiming for breach of contract for the legal fees paid but rather damages for professional negligence.
6. I find so since on paragraph 33 of the claim, the allegation against the First Defendant is for failing to protect the Plaintiff's best interest on solicitor client

relationship and acting without instruction (paragraph 35). This is said to have caused mental stress and disturbance to Plaintiff's life.

7. The Plaintiff's solicitors has provided some case laws on award of damages for professional negligence:

**(i) Ram and others vs Grahame [1975] 21 FLR 158**

The solicitors failed to advise clients in respect of lodging of a caveat. The (then) Supreme Court awarded nominal damages of \$10 for each Plaintiff.

On appeal Court of Appeal gave award of general damages as follows:

Ram & Nath:	\$400
Chote Lal	\$400
Manorama	\$400

**(ii) Verma v Prasad, Suva High Court Civil Action No. HBC 338 of 2008**  
(delivered on 20<sup>th</sup> February 2015)

The Plaintiff was awarded specific damages as pleaded in the statement of claim. The learned judge refused to award "*any damages for mental anguish or any aggravated damages alleged to be suffered by the Plaintiff since there was no satisfactory evidence to establish the said claim*".

**(iii) Kumari v Khan & another, Lautoka High Court Civil Action HBC 106 of 2016** (delivered on 03<sup>rd</sup> April 2018)

The learned Judge found the Defendants planned a deliberate fraud against an unsuspecting lay client. The Defendants' as solicitors for the Plaintiff, were under a duty to provide efficient professional service, which the defendants failed to do so.

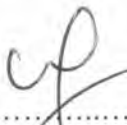
The court awarded \$20,000 as general damages.




8. In the current proceedings there is no medical evidence to support the claim for mental stress and deterioration of the Plaintiff's health. Neither is there evidence to show what medication the Plaintiff is required to take.
9. The claim for financial loss has not been specifically pleaded or itemized.
10. Considering the pleading and the evidence before this court I do not agree to award \$50,000 as asked for. I find a sum of \$15,000 as damages to be suitable award.
11. There is no claim for interest pleaded hence none is awarded.

**Orders**

12. The Plaintiff is awarded damages in sum of \$15,000.
13. The First Defendant shall pay cost summarily assessed at \$2,000 and to be paid within 14 days of service of a sealed order.

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



 18 September 2024.

**TO:**

1. Suva High Court Civil File No. HBC 207 of 2020;
2. Amrit Chand Lawyers, Solicitors for the Plaintiff;
3. No Appearance, Solicitor for the First Defendant;
4. No Appearance, Solicitor for the second Defendant.