

IN THE FIJI COURT OF APPEAL

Civil Jurisdiction

CIVIL APPEAL NO. 46 OF 1989

BEFORE THE HON. PRESIDENT OF THE FIJI COURT OF APPEAL
MR. JUSTICE MICHAEL HELSHAM AND BEFORE THE HON. SIR MOTI
TIKARAM, RESIDENT JUSTICE OF APPEAL AND BEFORE THE HON. JUDGE
OF APPEAL, MR. JUSTICE ARNOLD AMET

WEDNESDAY THE 17TH DAY OF JUNE 1992 AT 9.30 A.M.

BETWEEN:

JITENDRA KUMAR

APPELLANT

-and-

NATIONAL BANK OF FIJI

RESPONDENT

Mr. Sahu Khan for the Appellant
Mr. Chen Bunn Young for the Respondent

Note the Terms of Settlement dated 16th June 1992, signed by counsel for the parties and filed with the papers.

Order in accordance with paragraph 3 of the said Terms.

Michael M. Helsham
President, Fiji Court of Appeal

IN THE HIGH COURT OF FIJI

Civil Jurisdiction

CIVIL APPEAL NO. 46 OF 1989

BETWEEN :

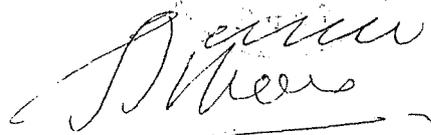
JITENDRA KUMAR s/o Nagin APPELLANT

- and -

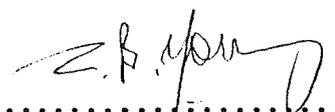
NATIONAL BANK OF FIJI RESPONDENT

TERMS OF SETTLEMENT

- (1) Without prejudice to the Respondent's claim for further sum as it may allege to be due by the Appellant under mortgage number 199935 over Native Lease number 14558, the Appellant do deposit the sum of \$35,000 with the Respondent and upon Payment of such deposit, the Respondent do discharge the said mortgage number 199935 Provided However that if the said mortgage number 199935 is set aside by the High Court as being null and void then the Respondent shall immediately refund to the Appellant the said sum of \$35,000 so deposited with interest at the Bank rate applicable irrespective of any claims that the Respondent may have against the Appellant otherwise either under the personal covenant under the said mortgage or any other claims whatever.
- (2) That if the Appellant does not deposit the said sum of \$35,000 within the 42 days from the date hereof then the Respondent be at liberty to pursue whatever action it may desire.
- (3) That the case be remitted to the High Court for the proceedings to take its normal course in any event.



 Counsel for the Appellant
 16/6/92



 Counsel for the Respondent
 16/6/92