

IN THE FIJI COURT OF APPEAL

CIVIL JURISDICTION

CIVIL APPEAL NO. 55 OF 1992

(High Court Action No. 298 of 1992)

BETWEEN :

RAM JAS

APPELLANT

-and-

RAM JIT SINGH

RESPONDENT

Mr. Ramesh Patel & Mr. D.P. Sharma for the Appellant
Mr. T. Fa for the Respondent

Date of Hearing : 5th May, 1993

Date of Delivery of Judgement : 5th May, 1993 (orally)

JUDGMENT OF THE COURT

This appeal is against the Ruling by which the Judge dissolved an interim injunction upon condition that the amount in dispute between the parties was paid into Court. That condition has been complied with.

It is apparent that the Judge, in his Ruling, has simply given an indication of what the principal matters in dispute were. We do not understand him to have decided any contested issues of fact, and nor would it have been proper for him to do so.

All that the Judge has done is to ensure that the fund in dispute is preserved until the action can be heard. In this he was plainly right. The Appellant's best course is to press for an early fixture for the action.

-2-

When this appeal was given a fixture the Court made directions as to the filing of skeleton arguments. The Appellant is out of time, not having filed his skeleton argument until 23 April, and without explanation for the delay. The Respondent has not filed anything. Both are accordingly in contempt.

In the light of what we have said we propose to dismiss the appeal so that both parties can get on with the action.

Each party to pay his own costs.

(Sgd) Mr. Justice Michael M. Helsham
President Fiji Court of Appeal

(Sgd) Sir Moti Tikaram
Resident Fiji Court of Appeal

(Sgd) Sir Peter Quilliam
Judge of Appeal