

**IN THE COURT OF APPEAL, FIJI ISLANDS**  
**ON APPEAL FROM THE HIGH COURT OF FIJI**

**CIVIL APPEAL NO. ABU0019 OF 1999S**  
(High Court Civil Action No. HBC282 of 2001L)

**BETWEEN:**

**GOSAI TRANSPORT LIMITED**

**Appellant**

**AND:**

**SHELL FIJI LIMITED**

**Respondent**

**Coram:** Sheppard JA, Presiding Judge  
Tompkins, JA  
Smellie, JA

**Hearing:** Tuesday, 28 May 2002, Suva

**Counsel:** Mr. A. K. Singh for the Appellant  
Mr. I. Fa for the Respondent

**Date of Judgment:** Friday, 31 May 2002

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**JUDGMENT OF THE COURT**

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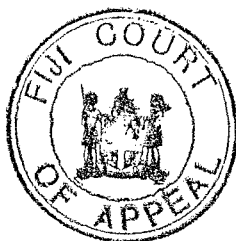
After debating the matter with the Court the position was reached where the Counsel for the Respondent was prepared to consent to certain orders. As a consequence the Court Orders by consent.

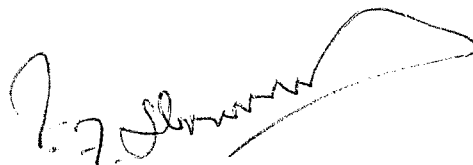
1. The appeal is allowed
2. The Winding Up order in the High Court is set aside.


On the issue of costs, however, there was no agreement. The Court has a clear view on costs and Orders as follows:

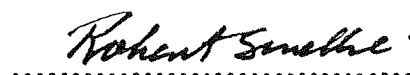
2.

- (i) On the Winding Up Petition in the High Court each party shall bear its own costs.
- (ii) On the application before Madam Justice Shameem the Appellant company shall have costs of \$150.
- (iii) On this appeal the appellant shall have costs of \$750.00 plus filing fees and reasonable disbursements as fixed by the Registrar.



  
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Sheppard JA, Presiding Judge

  
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Tompkins, JA

  
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Smellie, JA

**Solicitors:**

Messrs Iqbal Khan and Associates, Lautoka for the Appellant  
Messrs. Fa and Associates, Suva for the Respondent