

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

CIVIL APPEAL NO. ABU 0087 of 2017
(High Court No. HBM 66 of 2016)

BETWEEN : SAINIVALATI TOKALAU

Appellant

AND : SUVA BOWLING CLUB

Respondents

Coram : Lecamwasam, JA
Almeida Guneratne, JA
Jameel, JA

Counsel : Mr S. Valenitabua for the Appellant
Mr M. Nand for the Respondent

Date of Hearing : 15 February, 2019

Date of Judgment : 8 March, 2019

JUDGMENT

Lecamwasam, JA

[1] I agree with the orders proposed by Almeida Guneratne, JA.

Almeida Guneratne, JA

- [2] This was an appeal against the Judgment dated 28th July, 2017 of the High Court of Fiji at Suva.
- [3] At the commencement of the hearing, Counsel for the Respondent conceded that the Appeal should be allowed which is an appeal against a judgment upholding a preliminary objection that the application for constitutional redress was time barred.
- [4] Counsel for the Appellant submitted that, while he was not moving for costs, the security for costs paid by the Appellant be released to him.


Jameel, JA


- [5] I am in total agreement with Guneratne, JA.

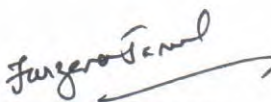
Orders of the Court

1. *The Appeal is allowed.*
2. *The Registrar to release the security for costs paid by the Appellant.*
3. *Parties to bear their own costs.*




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Hon. Justice S. Lecamwasam
JUSTICE OF APPEAL


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Hon. Justice Almeida Guneratne
JUSTICE OF APPEAL


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Hon. Justice F. Jameel
JUSTICE OF APPEAL