

**IN THE COURT OF APPEAL, FIJI**  
**[On Appeal from the High Court]**

**CIVIL APPEAL NO. ABU 083 of 2019**  
**[In the High Court at Lautoka Case No. HBC 214 of 2012]**

**BETWEEN** : **DENARAU INTERNATIONAL LIMITED**

**1<sup>st</sup> Appellant**

**DENARAU INVESTMENT LIMITED**

**2<sup>nd</sup> Appellant**

**AND** : **COSTERFIELD LIMITED**

**Respondent**

**Coram** : **Prematilaka, RJA**

**Counsel** : **Mr. S. Parshotam for the Appellants**  
**Mr. A. V. Bale for the Respondent**

**Date of Mention** : **03 October 2024**

**Date of Ruling** : **07 October 2024**

**RULING IN CHAMBERS**

[1] When the appeal was mentioned on 03 October 2024, counsel for the appellant informed court that the matter had been settled, terms of settlement had been already entered and he sought to withdraw the appeal. The counsel for the respondent affirmed the same. Accordingly, the court instructed them to file a joint memorandum seeking relevant orders from court, and the same along with a copy of the terms of settlement had been lodged in the Registry on 04 October 2024.

[2] The Terms of Settlement had been entered into on 27 September 2024. The Joint Memorandum has made specific references to the following provisions of the Terms of Settlement:

(a) Paragraphs 1.1, 1.2 and 1.3.

(b) Paragraph 4.3.

[3] The Joint Memorandum has further stated as follows:

(i) *Under the Terms of Settlement, the Respondent has discontinued the proceedings in the High Court at Lautoka being Civil Action No. 214 of 2012 (“the High Court Action”). The appeal here is an appeal from a decision given on 31 August 2018 in the High Court Action.*

(ii) *The High Court Action was discontinued on Tuesday 1 October 2024 with no order as to costs.*

(iii) *The appellants now wholly discontinue the appeal (as the High Court action is no longer afoot).*

(iv) *The discontinuance of the appeal is also on the basis that there be no orders as to costs.*

(v) *On 19 November 2021, the appellants made payment of \$2,000.00 by way of Security for Costs (“the Security for Costs”); a copy of Receipt No. 824186 evidencing this payment is attached.*


(vi) *The appellants seek a refund of the Security for Costs by payment to:*

- Bank: ANZ Banking Group Ltd
- Account Name: Parshotam Lawyers Trust Account
- Account No. 1464382
- Narration: Denarau/Costerfield-214/2012

**Orders of the Court:**

1. Appellants' application to withdraw/discontinue their appeal is allowed.
2. Appeal is accordingly dismissed in terms of section 20(1)(h) of the Court of Appeal Act.
3. \$2000.00 deposited by the Appellants as security for costs is to be paid as specified in paragraph 3(vi) above.
4. No order as to costs.



  
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**Hon. Mr Justice C. Prematilaka**  
**RESIDENT JUSTICE OF APPEAL**

**Solicitors:**

Parshotam Lawyers for the Appellants  
Lal Patel Bale Lawyers for the Respondent