

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

CIVIL APPEAL NO. ABU 010 of 2025
[In the Suva High Court No. HBC 057 of 2011]

BETWEEN : **BULILEKA HIRE SERVICES LIMITED** a limited liability company having its registered office at Lot 14 Vakamasisuasua Industrial Subdivision Naseakula, Labasa.

Appellant
(Original Plaintiff)

AND : **THE HOUSING AUTHORITY** a statutory body constituted under the Housing Authority Act and having its registered office at Valelevu House, Valelevu, Nasinu.

1st Respondent
(Original First Defendant)

MIKAELE TUPUA address unknown to the Plaintiff, Project Manager Housing Authority.

2nd Respondent
(Original Second Defendant)

Coram : **Prematilaka, RJA**

Counsel : **Mr. A. Pal for the Appellant**
Mr. V. Maharaj for the 1st Respondent

Date of Hearing : **20 June 2025**

Date of Ruling : **26 June 2025**


RULING IN CHAMBER

- [1] The appellant had filed summons on 20 February 2025 seeking *inter alia* leave to appeal against the interlocutory ruling of the High Court dated 17 September 2024¹ after the High Court on 30 January 2025² refused leave to appeal its own previous ruling. The appellant has also filed another summons on 25 February 2025 for extension of time in order to ‘regularize’ the service of the summons for leave to appeal and other reliefs one day out of time i.e. on 21 February 2025.
- [2] When the matter was taken up for hearing on 20 June 2025, the Counsel for the appellant indicated that he wished to withdraw the summons for leave to appeal and other reliefs. The Counsel for the 01st respondent agreed not to seek costs. A notice of discontinuance has been filed on 26 June 2025 signed by solicitors for the appellant and 01st respondent and I make the following orders accordingly.

Orders of the Court:

1. *Appellant’s summonses filed on 20 February 2025 and 25 February 2025 are struck out in terms of section 20(1)(k) of the Court of Appeal Act.*
2. *No order as to costs as agreed between the parties.*




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

Solicitors:

AP Legal Lawyers for the Appellant
Vijay Maharaj Lawyers for the 1st Respondent

¹ **Bulileka Hire Services Ltd v Housing Authority** [2024] FJHC 553; Civil Action 57 of 2011 (17 September 2024)

² **Bulileka Hire Services Ltd v Housing Authority** [2025] FJHC 18; HBC57.2011 (30 January 2025)