

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

CIVIL APPEAL NO. ABU 063 of 2023
[In the High Court at Lautoka Case No. 0311 of 2003]

BETWEEN : **SUNIL DEO SHARMA** and **MAYA WATI** both of 5042 Hemlock Street, Sacramento CA 9584 as Executors and Trustees of the **Estate of Deo Prasad** late of Viseisei, Vuda.

Appellants
[Original Plaintiffs]

AND : **TUKAI RASIGA** of Viseisei, Lautoka, Unemployed.

Respondent
[Original Defendant]

Coram : **Prematilaka, RJA**

Counsels : **Mr. P. Niubalavu for the Appellants**
Respondent in person

Date of Notice of Discontinuance : **19 December 2024**

Date of Ruling : **14 April 2025**

RULING IN CHAMBERS

[1] The court file along with the notice of discontinuance was forwarded to me for a ruling in Chambers on 09 April 2025 when it had been filed in the Court of Appeal Registry on 19 December 2024. Hence, the delay in delivering this ruling.

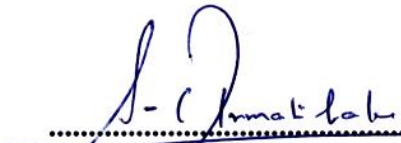
[2] The appellant (original plaintiff) had filed a notice of appeal on 11 July 2023 containing grounds of appeal against the High Court ruling delivered on 15 June 2023.

- [3] Security for cost of \$3000.00 had been determined on 20 September 2023 and duly paid on 20 October 2023 by the appellant.
- [4] However, the solicitors for the appellant had on 19 December 2024 filed a Notice of Discontinuance which had been signed by the respondent as well. The respondent had consented to the withdrawal of the appeal.

Orders of the Court:

- [1] *The application by the appellant to withdraw/discontinue the appeal is allowed.*
- [2] *Appeal is accordingly dismissed in terms of section 20(1)(h) of the Court of Appeal Act.*
- [3] *No order as to cost.*




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

Solicitors:

Messrs Fazilat Shah Legal Lawyers for the Appellants
Respondent in person