

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

**CIVIL APPEAL NO. ABU 104 of 2024**  
**[In the High Court at Suva Case No. HBC 164 of 2023]**

**BETWEEN** : **NASESE BUS COMPANY PTE LIMITED** a limited liability company having its registered office at Lot 8 Carpenters Street, Raiwaqa, Suva, Fiji.  
**Defendant-Appellant**

**AND** : **GURBACHAN SINGH'S STEEL MILLS LTD** a limited liability company having its registered office at Lot 1 Kaua Road, Laucala Beach Estate, Fiji.  
**01<sup>st</sup> Plaintiff - Respondent**

**SINGH STEEL ROLLING MILLS PTE LIMITED** a limited liability company having its registered office at Lot 1 Kaua Road, Laucala Beach Estate, Fiji.  
**2<sup>nd</sup> Plaintiff - Respondent**

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

**Counsel** : **Ms. M. Baleloa for the Appellant**  
**Ms. K. Maharaj for the Respondents**

**Date of Notice of Discontinuance** : **29 April 2025**

**Date of Ruling** : **03 June 2025**

**RULING IN CHAMBER**

[1] This is an appeal against the judgment of High Court delivered on 28 November 2024<sup>1</sup> which made the following orders:

**'FINAL ORDERS;'**

- a. *Plaintiffs are granted access to Defendant's premises situated at Crown Lease 9650 for removal of 1000 KVA transformer and other equipment such as 11KV*

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<sup>1</sup> **Gurbachan Singh's Steel Mills Ltd v Nasese Bus Company Pte Ltd** [2024] FJHC 701; HBC164.2023 (28 November 2024)

*SD Unit, 11KV CFC Switchgear, 11KV Cables and Indoor termination Kits  
(stated in paragraph 11 of affidavit in support)*

- b. Defendant by its agents or otherwise forthwith release the Assets including the above mentioned Transformer and other equipment's to Plaintiffs and or its representatives.*
- c. Defendant is preventing from interfering with removal of all the 'Assets' stated in paragraph 13, including Transfer and its equipment's.*
- d. Plaintiff to be assisted with Police protection for the execution of this orders during reasonable time of working days.*
- e. Cost of this action is summarily assessed at \$1500.'*

[2] The security for cost of \$3,000.00 have been paid on 07 March 2025. The record was forwarded to me by the Court of Appeal Registry on 09 May 2025 for a decision along with the notice of discontinuance filed by the appellant's solicitors and signed by the solicitors for the 01<sup>st</sup> and 02<sup>nd</sup> respondents who seek no costs.

[3] As per the notice of discontinuance, I make the following orders:


**Orders of the Court:**

- 1. *Appeal is dismissed in terms of section 20(1)(h) of the Court of Appeal Act.*
- 2. *The Chief Registrar is directed to refund \$3,000.00 paid by the appellant as security for cost to:*

*Account Name: Haniff Tuitoga Trust Account  
Account No: 8552771  
Bank: Bank of the South Pacific (BSP)  
Narration: Gurbachan/Nasese – 104/2024*

- 3. *No order as to cost.*



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

**Solicitors:**

Haniff Tuitoga Lawyers for the Appellant  
Capital Legal Lawyers for the Respondents