

IN THE HIGH COURT OF FIJI
WESTERN DIVISION AT LAUTOKA
CIVIL JURISDICTION

HBC 15 OF 2016

BETWEEN : METALWORKS & JOINERY LIMITED

AND : FIJI TEACHERS UNION CO-OPERATIVE THRIFT & CREDIT

Before : Hon Mr. Justice R.S.S.Sapuvida

Counsel : Mr Samuel K. Ram with Mr N. Padarath for the Plaintiff

ORDER

1. This is an ex-parte notice of motion filed by the plaintiff dated 08 February 2016, seeking injunctive reliefs against the defendant.
2. The moment I noticed having put my eye through the case record that the instant was for an urgent order for injunctive reliefs, I allowed the matter to be supported at 2 pm on the very same day it was filed.
3. Then I heard the counsel for plaintiff Mr. Ram who made oral submissions with regard to the matter at issue.
4. At the conclusion of his submissions in above style, he also made a very unethical and irrelevant comment on me saying that I always allow his applications in principle.
5. The comment he made in open court in front of his junior counsel, the representative of the plaintiff company, and the court staff is absolutely a prejudiced statement to my independence and impartiality both in professionally and personally.

6. I again had the opportunity of hearing the recording of the proceedings this morning to make sure of what the exact words the counsel stated yesterday.
7. He says "In principle you are allowing my orders".
8. For some, this may be seen as a friendly comment and yet, this took place in a court of law and in the middle of proceedings in the High Court of Fiji.
9. In the recent past, I may have granted reliefs for the parties in cases for which Mr. Ram has appeared as counsel, but I did not grant the reliefs merely because he appeared, but purely on merits.
10. In any event, at any stage if I make orders in favor of the plaintiff in this case, anyone can take up the point and say that I made the same because of Mr. Ram.
11. On these reasons I withdraw myself from further proceedings in this case and send the case record back to the Deputy Registrar of the High Court Lautoka for necessary actions and for reallocation.



R.S.S. Sapuvida

Judge

High Court of Fiji

On the 9th day of February 2016
At Lautoka