

In the High Court of Fiji  
at Labasa  
Civil Jurisdiction

Civil Action no. HBC 35 of 2017

Michael Satyendra Prasad  
Plaintiff

v

Vinodhini Lata  
Defendant

Counsel: Mr Sarju Prasad for the plaintiff  
The defendant absent and unrepresented  
Date of hearing: 12<sup>th</sup> September, 2018  
Date of Judgment: 28<sup>th</sup> September, 2018

**Judgment**

1. The statement of claim states that the plaintiff and the estate of Lekh Ram are the registered proprietors of CT 27941 known as Naqara (part of) and situated at Taveuni. The defendant is the Administratrix of the estate of Lekh Ram. The plaintiff and defendant each hold one undivided half share of the land. The defendant has refused to have the land subdivided into two equal lots. The plaintiff states that he is unable to develop his share of the land. He seeks an order for the defendant to have the land subdivided into two equal lots with both lots having main road frontage and for his share to be towards the adjacent CT 27896. He is the owner of CT 27896.
2. The defendant, in her statement of defence states that she is not agreeable to have the land subdivided and the Town & Country Planning Authority will not agree to the sub-division. The estate of Lekh Ram has a lease over the land.
3. The plaintiff, in his reply joined issue with the defendant and states that the endorsement of the lease on the land is an error and ought to be cancelled.

4. The plaintiff testified at the hearing. He produced the probate of the estate of Lekh Ram and copies of CT 27941 and CT 27896.
5. I note that Lekh Ram has a lease registered over CT 27941 for 75 years commencing on 1<sup>st</sup> July, 1978.
6. In my judgment, the plaintiff is entitled to have the land divided in equal shares between himself and the defendant, subject to the approval of the Director, Town & Country Planning and subject to the lease on the land.
7. I decline the other orders sought by the plaintiff.

**8. Orders**

- (a) CT 27941 shall be divided equally between the plaintiff and defendant, subject to the approval of the Director, Town & Country Planning.
- (b) The new titles to be issued to the plaintiff and the defendant shall be subject to the lease endorsed on CT 27941.
- (c) The defendant shall pay the plaintiff costs in a sum of \$ 750 summarily assessed..



*A.L.B. Brito-Mutunayagam*

**A.L.B. Brito-Mutunayagam**

**Judge**

**28<sup>th</sup> September, 2018**