

In the High Court of Fiji
At Suva
Civil Jurisdiction

Civil Action No. HBC 301 of 2022

Mark McDonald
Ray Cox
Plaintiffs

v.

Satori Holdings Limited, a company having its registered office in New Zealand

Counsel: Ms D. Prakash for the plaintiffs
Mr F. Haniff for the defendant and intended defendant
Date of hearing: 24th January, 2023
Date of Judgment: 20th April, 2023

Ruling

1. The plaintiffs, in their originating summons moved Court ex-parte that the sealed Orders dated 21st June, 2022, of the High Court of New Zealand, Hamilton Registry be registered in the High Court of Fiji for the purpose of execution and enforcement against the defendant.

2. On 8 November, 2022, on hearing counsel for the plaintiff on that occasion, I made Order that the sealed Orders of the High Court of New Zealand, Hamilton Registry be registered in the High Court of Fiji for the purpose of execution and enforcement against the defendant.
3. The question that has been brought to my notice is whether the sealed Orders of 21st June, 2022, of the High Court of New Zealand, Hamilton Registry could be registered under the Reciprocal Enforcement of Judgments Act.
4. I find that the Orders of the High Court of New Zealand of 21 June 2022, titled “**ORDERS APPOINTING INTERIM LIQUIDATORS**” appoints the plaintiffs as “*interim liquidators of the defendant company*” (Satori Holdings Limited).
5. Section 3 of the Reciprocal Enforcement of Judgments Act provides that where a “*judgment*” has been obtained in a country covered under the Act, the “*judgment creditor*” may apply to this Court to have that judgment registered in the High Court of Fiji.
6. Section 2 defines “*Judgment*” as follows:

“judgment” means any judgment or order given or made by a court in any civil proceedings whether before or after the commencement of this Act whereby any sum of money is made payable and includes an award in proceedings on an arbitration if the award has in pursuance of the law in force in the place where it was made become enforceable in the same manner as a judgment given by a court in that place;
(emphasis added)
7. In my view, an Order appointing interim liquidators is not a judgment in terms of the above definition.
8. Section 3 read with the definition clearly provides that it is only a “*judgment*” “*whereby any sum of money is made payable ...*” may be registered under the Act.

9. As Mansoor J stated in *SSII Liquidation LLC v South Seas Investment Inc*, [2019] FJHC 942; HBC239.2019 (26 September, 2019)

The Reciprocal Enforcement of Judgments Act (Chapter 39) and the Foreign Judgments (Reciprocal Enforcement) Act (Chapter 40) are restricted to the registration of judgments for the payment of money.
(emphasis added)

10. Rule 13 of the Reciprocal Enforcement of Judgments Rules provides that the Court if satisfied for sufficient reason that the judgment should not be registered may order that the registration be set aside.
11. I make Order setting aside the registration of the Judgment of the High Court of New Zealand, Hamilton Registry of 21 June, 2022, made by me on 8 November, 2022.
12. I do not find it necessary to consider the application by the intended defendant to be added as a party in these proceedings.
13. **Orders**
- a. I set aside the registration of the Judgment of the High Court of New Zealand, Hamilton Registry of 21 June, 2022, made by this Court on 8 November, 2022.
 - b. I make no order as to costs.



A.L.B. Brito-Mutunayagam
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Judge
20th April, 2023