

**IN THE HIGH COURT OF FIJI  
AT SUVA  
CIVIL JURISDICTION**

Civil Action No. **HBM 2 of 2024**

**BETWEEN:**            **FIJI INDEPENDENT COMMISSION AGAINST CORRUPTION** of  
the Republic of Fiji, Rev John Hunt House, 3 Saint Fort Street, Suva, for  
and on behalf of the STATE.

**PLAINTIFF**

**AND:**                    **LEDUA BIUVULI MATAI** of Lot 17, Rev Mustapha, Salato Road,  
Namadi Heights Suva.

**1<sup>st</sup> DEFENDANT**

**AND:**                    **DENISE MOEROA SENIROQA** of Lot 12, Ceva Place, Makoi, Nasinu.

**2<sup>nd</sup> DEFENDANT**

**AND:**                    **TAUCILAGI DURI** of Lot 17, Rev Mustapha, Salato Road, Namadi  
Heights, Suva.

**3<sup>rd</sup> DEFENDANT**

**Representation**

**Plaintiff:** Ms. L. Mausio & Ms. Ravuikadavu (FICAC).

**1<sup>st</sup> and 3<sup>rd</sup> Defendant:** Mr. S. Drole (Maisamoa & Associates).

**2<sup>nd</sup> Defendant:** No Appearance and Representation.

**Date of Hearing:** 11<sup>th</sup> March 2025


**Ruling**

**A.    Introduction**


- [1] The lawyers for the 3<sup>rd</sup> Defendant on 11<sup>th</sup> July 2024 filed summons pursuant to Order 18 Rule 18 (1) (a), (b) and (d) of the High Court Rules seeking that the Plaintiffs claim be struck out. It was filed with a affidavit of the 3<sup>rd</sup> Defendant.
- [2] The Plaintiff's filed an affidavit in opposition of Victoria Ralifo, an investigating officer of FICAC.

**B.    Background**

- [3] Ledua Matai was employed by the Fiji Military Forces (FMF). Initially he was the Principal Accounts Officer and later promoted to Chief of Staff – Finance. His responsibility included approving additions of vendors into FMF Financial Management System.

[4] Between November 2019 and June 2022, a total of 76 transactions and payments (totaling \$467,616.41) were paid out directly by FMF to one approved vendor – Ink Escape Supplies. This company was owned by ~~the~~ Denise Seniroqo (daughter in-law) and the Taucilagi Duri (wife). 

[5] FMF lodged complaint with FICAC. It was investigated. The investigation revealed a pattern where the FMF payments would go to Ink Escape Supplies. Then a cash cheque withdrawal would be made from Ink Escape Supplies bank account and the cash would be deposited on the same day into the account of the Ledua Matai. A total of \$115,080.00 was deposited into Ledua Matai's account from Ink Escape between November 2019 and June 2022.

[6] Ledua Matai left for Australia on 8<sup>th</sup> September 2023 and has not returned. He has not been caution interviewed. ~~The~~ Denise Seniroqo and Taucilagi Duri have been caution interviewed. 

#### C. The Submissions

[7] The submission by the lawyer for Taucilagi Duri is that one of the orders the Plaintiff is seeking from the Court is to declare \$52,312.24 to be tainted property. It is their submission that nowhere in Section 19A - 19E it is expressly stated that the Court has the powers to declare the sum as tainted property. They submit that it is frivolous and vexatious for the Plaintiff to specifically seek those declarations. The other submission is that there is no cause of action because the chance to succeed in getting the declaration is less as the provisions of Section 19A – 19E does not allow the court to make such declarations.

[8] The submission for FICAC is that a court will rarely strike out a proceeding. It is only in exceptional cases where, on the pleaded facts. The plaintiff could not succeed as a matter of law or where the cause of action is clearly untenable that it cannot possibly succeed will the court act to strike out a claim. FICAC submits that the application is intended to delay the matter. It is further submitted that the matter is for a substantial reason and it touches on the Defendant's culpability in the commission of a crime. The application under the Proceeds of Crime Act are for good cause and not forwarded merely as a tool to upset or Taucilagi Duri. FICAC also submitted that there is no abuse of process and the application is bona fide.

#### D. Determination

[9] For Taucilagi Duri, **Order 18 Rule 18 (1) (a), (b) and (d)** of the High Court Rules 1988, which is that *“[t]he Court may at any stage of the proceedings order to be struck out or amended any pleading or the indorsement of any writ in the action, or anything in any pleading or in the indorsement, on the ground that– (a) it discloses no reasonable cause of action or defence, as the case may be; or (b) it is scandalous, frivolous or vexatious;....; or (d) it is otherwise an abuse of the process of the court; and may order the action to be stayed or dismissed or judgment to be entered accordingly, as the case may be.”* is being relied upon.

It is well established that the jurisdiction to strike out proceedings under Order 18 should be very sparingly exercised and only in exceptional cases.

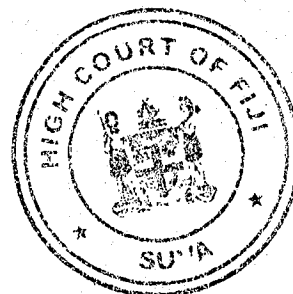
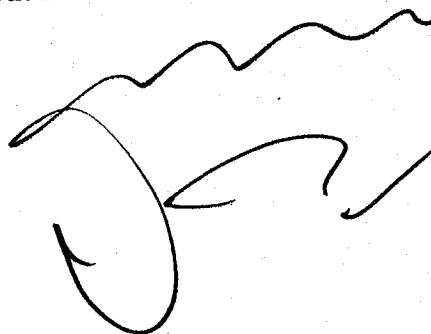
[10] Civil forfeiture orders are provided for under Division 2A of the Proceeds of Crimes Act 1997. Section 19A allows for an application for a restraining order for tainted or terrorist property. Tainted property under the Act is defined to include proceeds of crime. Without prejudging the matter and based on the material that is before me, I find that there certain allegations against Taucilagi Duri.

[11] There is nothing exceptional in this application to strike out this matter. The application to strike out is dismissed.

E. **Court Orders**

(a) **Application to strike out is dismissed.**

(b) **No orders as to costs.**



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Chaityanya S.C.A Lakshman  
**Puisne Judge**

31<sup>st</sup> March 2025