

IN THE HIGH COURT OF FIJI AT LAUTOKA
EXERCISING CIVIL JURISDICTION

CIVIL ACTION NO. HBM 08 OF 2025

IN THE MATTER OF Registration of
the Foreign Judgments pursuant
to (Reciprocal Enforcement) Act 1935.

AND IN THE MATTER of a Judgment
Pronounced in the District Court
of Auckland, New Zealand in
QUADRANT GROUP (NZ) LIMITED v
ZAID MOHAMMED in CIV Action
No— 2024-004-000047 dated 15th April
2024.

BETWEEN : **QUADRANT GROUP (NZ) LIMITED**, a duly incorporated company
having its registered office at Unit 5, 1 Stark Drive, Wigram, Christchurch
8042, New Zealand, Debt Collection Company.

PLAINTIFF

AND : **ZAID MOHAMMED**, previously of 12 Terracotta Drive, Blockhouse Bay,
Auckland now CI- HLB Crosbie & Associates, 3 Cruickshank Road, Nadi
Airport, Nadi, Fiji. Accountant.

DEFENDANT

BEFORE : Hon. A.M. Mohamed Mackie- J

COUNSEL : Ms. Radhia- on the instruction of Messrs. PRATAP LAWYERS.

DATE OF HEARING : On 20th May 2025.

DATE OF RULING : On 20th May 2025.

RULING

(For the Registration of Foreign Judgment in Fiji)

1. This is the written form of my impromptu RULING delivered today 20th May 2025 pursuant to the hearing held before in relation to an Ex-parte Originating Summons dated 05th May 2025 which was filed by the Plaintiff on 23rd April 2025 seeking for the following ORDERS.

1. That the Sealed Orders dated 15th April 2024 from the District Court at Auckland, New Zealand, Tamaki Makaurau Registry, be registered in the High Court of Fiji for the purpose of execution and enforcement against the Defendant.

2. Such further Order as this Honourable Court may deem fit and just.

2. This Summons is supported by an Affidavit sworn by NIGEL LE SUEUR being the Legal Manager of the Plaintiff Company, namely, QUADRANT GROUP (NZ) LIMITED, a duly incorporated company having its Registered Office at Unit 5, 1 Stark Drive, Wigram, Christchurch 8042, in New Zealand, which is said to be a Debt Collection Company.

3. This Ex Parte Summons is filed pursuant to **Section 4(1) of the Foreign Judgments (Reciprocal Enforcement) Act 1935, Order 71 of the High Court Rules 1988, the Reciprocal Enforcement of Judgments Act 1922** and the Inherent Jurisdiction of the High Court. This Affidavit accompanies along with it as annexures, a copy of the Authority to swear and sign the Affidavit, a copy of the Certificate of Incorporation of the Plaintiff Company, DUPLICATE Copy of the Default Judgment entered against the Defendant by the District Court of Auckland -New Zealand, and a copy of the Certificate of the said Judgment marked as “NS-1” to “NS-4” respectively.

4. The default Judgment herein marked as “NS-3” has come into existence out of the proceedings that had held between the Plaintiff QUADRANT GROUP (NZ) LIMITED and the Defendant ZAID MOHAMED, who is now said to be at the aforesaid address in Fiji. The action concerned appears to be a Money Recovery proceeding held in the absence of the Defendant.

5. In the said action No- CIV -2024-004-000047 a default judgment for a total judgment sum of **\$75,254.37** cts has been entered against the Defendant under the District Court Act 2016. Mr. A. Kumar, Deputy Registrar of the District Court, Auckland – New Zealand, has sealed it on 11th September 2024.

6. Section 4(1) of the Foreign Judgments (Reciprocal Enforcement) Act 1935 states as follows: -

4 (1) A person being a judgment creditor under a judgment to which this Part applies may apply to the Supreme Court at any time within six years after the date of the judgment or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the Supreme Court, and on any such application the court shall, subject to proof of the prescribed matters and to the other provisions of this Act, order the judgment to be registered;

Provided that a judgment shall not be registered if at the date of the application-

- (a) *it has been wholly satisfied; or*
- (b) *it could not be enforced by execution in the country of the original court.*

(2) *Subject to the provisions of this Act with respect to the setting aside of registration-*

- (a) *a registered judgment shall for the purposes of execution be of the same force and effect; and*
- (b) *proceedings may be taken on a registered judgment; and (c) the sum for which a judgment is registered shall carry interest; and*
- (c) *the registering court shall have the same control over the execution of a registered judgment, as if the judgment had been a judgment originally given in the registering court and entered on the date of registration:*

Provided that execution shall not issue on the judgment so long as under this Part and the rules of court made thereunder it is competent for any party to make an application to have the registration of the judgment set aside or, where such an application is made, until after the application has been finally determined.

7. Order 71 of the High Court Rules 1988 states as follows.

ORDER 71

RECIPROCAL ENFORCEMENT OF JUDGMENTS

1 The Reciprocal Enforcement of Judgments Rules made under the Reciprocal Enforcement of Judgments Act shall apply, with necessary (Cap. 39) modifications, to proceedings under the Foreign Judgments (Reciprocal (cap. 40) Enforcement) Act.

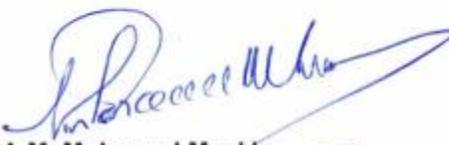
8. I have considered oral submissions made, the contents of the averments in the Affidavit in support and those of the annexures thereto, particularly that of the authenticated sealed order of the District Court of Auckland - New Zealand dated 11th September 2024. There does not seem to be any material to conclude that the Judgment sought to be registered by the Plaintiff / Judgment-Creditor falls within any of the criteria that inhibits the registration of the said judgment in Fiji for the purpose of execution. As per the Affidavit in support, the Judgment-Debtor Zaid Mohamed is said to be currently in Fiji, who, being aware of the said proceedings, is said to have failed to appear for the relevant proceedings before the District Court of Auckland- New Zealand in the aforementioned action No- **CIV -2024-004-000047**.
9. I, accordingly, allow the Originating summons dated 05th May 2025 filed by the Plaintiff / Judgment- Creditor and grant leave for registration in this Court of the Judgment in **QUADRENT GROUP (NZ) LIMITED I v Zaid Mohamed** in CIV: 2024-004-000047 proceeded at the District Court of Auckland- NEW ZEALAND.
10. The Plaintiff is directed to have the sealed copy of this order served forthwith on the Judgment-Debtor **Zaid Mohamed** as provided under the rules made under Section 6 of the Act. The Judgment-Debtor shall be at liberty to apply for setting-aside of the Registration of the Judgment not later than 28 days from the date of the service of the sealed Order hereof.

ORDERS:

- a. The Order in terms of paragraph 1 of the prayer to the Originating Summons is granted.
- b. No costs ordered and the Plaintiff shall bear its costs.
- c. The Plaintiff shall forthwith serve the sealed Order (Notice of Registration of foreign Judgment) on the Defendant- Judgment Debtor, ZAID MOHAMED, and the Affidavit of service shall be filed at the Registry.
- d. Any Application by the Defendant for de-registration has to be made within 28 days from the date of such service.

On this 20th day of May 2025 at the High Court of Lautoka.




A.M. Mohamed Mackie
Judge
High Court (Civil Division)
Lautoka, Fiji Islands.

SOLICITORS: - Messrs. PRATAP LAWYERS- Barristers & Solicitors.