

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

CIVIL ACTION NO.: HBC 55 of 2025

BETWEEN : LEGAL AID COMMISSION
PLAINTIFF

AND : HANDY FINANCE PTE LIMITED
DEFENDANT

APPEARANCES/REPRESENTATION

PLAINTIFF : Mr S Rahiman with Mr F Ali [Legal Aid Commission]
DEFENDANT : Ms L Jackson [Jackson Bale Lawyers]
RULING BY : Master Ms Vandhana Lal
DELIVERED ON : **11 September 2025**

RULING

[Setting Aside Interlocutory Judgment on Counter Claim]

1. On 26 February 2025, the Defendant filed its statement of defence and counter claim.
2. The document was said to be served on the Legal Aid Commission [LAC] on 26 February 2025 at 2.12pm. Service was acknowledged by the LAC.
3. Under Order 18 r1(3)(2):
“A plaintiff on whom a defendant serves a counter claim must, if he or she intends to defend it, serve on that defendant a defence to counter claim.

The defence to Counter Claim must be served 14 days before the expiration of 14 days after the service of the counter claim”.

4. Hence, the Plaintiff was to serve the reply to defence and defence to counter claim before 12 March 2025. It did not file the requisite document until 03 April 2025. This was filed without the consent from the Defendant and without the leave of the Court.

Till to date no application has been made to strike out the document, hence it still stands as part of the pleading.

5. Since the Plaintiff failed to serve a defence to counter claim within the requisite period under the rules, the Defendant went ahead and sealed an interlocutory against the Plaintiff as follows:

“Judgment for \$66,000 with damages for breach to assessed”

6. This sum is not something that was agreed upon by the parties. This is a claim for damages for the Plaintiff’s alleged breach which was not pre-determined between the parties.
7. The judgment of \$66,000 is irregular as the damages/alteration to interview room has to be assessed by the court.
8. Accordingly, the judgment ought to be set aside.

ORDERS


9. On the Plaintiff’s application filed on 30 April 2025 following orders are made:
 - The Interlocutory Judgment sealed on 02 April 2025 is set aside forthwith;

- Leave is granted to Plaintiff to file its reply to defence and defence to counterclaim out of time (which they have on 03 April 2025);
- Defendant at liberty to file / serve a reply to defence to counterclaim by 12 noon on 18 September 2025.

10. Since the interlocutory judgment has been set aside the Defendant's application for assessment is dismissed.

11. Cost of Plaintiff's application to be in cause.




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Vandhana Lal [Ms]
Master of the High Court
At Suva.

11 September 2025.

TO:

1. **Suva High Court Civil File No. HBC 55 of 2025;**
2. **Legal Aid Commission**, the named Plaintiff;
3. **Jackson Bale Lawyers**, Solicitors for Defendant.