

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

**HBC 304 of 2022**

**BETWEEN:**        **BEACHCOMBER ISLAND RESORT LIMITED** a limited liability company  
having its registered office at 32 Narara Parade, Lautoka in the Republic of Fiji.

**PLAINTIFF**

**A N D:**        **GIANT ZIPLINE (FIJI) PTE LIMITED** a limited liability company having its  
registered office at Level 3 Aliz Centre, 231 Martintar, Nadi in the Republic of Fiji.

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

**A N D:**        **KEVIN PURSUER** a Company Director of Wailoaloa, Nadi in the Republic of Fiji.

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

**A N D:**        **WHITE STONE PTE LTD** a limited liability Company of Lot 1 Vuda Point,  
Lautoka, in the Republic of Fiji.

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

**A N D:**        **REGISTRAR OF COMPANIES** of Level 2 Suvavou House, Suva, in the  
Republic of Fiji.

**4<sup>th</sup> DEFENDANT**

Appearances:        Mr. Sione Fa for the Plaintiff  
                             Ms. Khan N. for the first and second Defendants

Date of Hearing:        19 October 2023

Date of Ruling:        30 September 2025

## **R U L I N G**

1. On 11 November 2022, Law Solutions filed an Originating Summons for and or behalf of Beachcomber Island Resort Limited (“**BIRL**”).
2. The Originating Summons had sought declaration that a Terms of Settlement which BIRL and the first Defendant, Giant Zipline (Fiji) Pte Limited (“**GZPL**”) had entered into on 02 October 2015 is *void ab initio* and of no effect.

3. On 13 January 2023, Natasha Khan and Associates filed a summons to strike out on the ground that the Originating Summons disclose no reasonable cause of action (Order 18 Rule 18 (1) (a)).
4. On 15 February 2023, Law Solutions filed an Inter-Partes Summons for leave to amend the Originating Summons.
5. On the date of hearing 01 September 2023 and following argument, Mr. Fa sought leave to withdraw the claim against the third and fourth Respondents with costs reserved.
6. The matter was then adjourned to 15 September 2023 when Mr. Fa sought leave to discontinue the action in entirety; having conceded that there is duplicity between this action and HBC 109 of 2022 which is a writ action.
7. The only thing to be determined now is whether the Defendant is entitled to indemnity costs.
8. While I agree that the Originating Summons was an abuse of process as it is a duplication of a pending writ action, I do not think this case merits indemnity costs.
9. I summarily assess costs in the sum of \$3,000.00 to the first and second Defendants and \$500.00 each to the other two Defendants.
10. Leave is granted to the Plaintiff to withdraw the Originating Summons.



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Anare Tuilevuka  
**JUDGE**

**30 September 2025**