

IN THE MAGISTRATE'S COURT AT LABASA
CIVIL JURISDICTION

Civil Action No. 18 of 2016

BETWEEN : PRITAM SINGH

PLAINTIFF

AND : JOSESE SIGAVEIVOLA

DEFENDANT

For the Plaintiff : **Mr Kohli. A**

For the Defendant : **No Appearance**

Judgment : **23 June 2017**

JUDGMENT

1. The Plaintiff filed a writ of summon wherein he claim \$38,300.00 from the Defendant as the money he advanced to the Defendant. He also claimed for costs in the sum of \$3,000.00.
2. The affidavit of service was filed on 29 June 2016. Service was effected by way of substituted service through advertisement in the Fiji Sun on 21 June 2016.
3. The notice on the advertisement is for the case to be called in this court on 6 July 2016. On 6 July 2016, there was no appearance by the Defendant and the Plaintiff asked for a formal proof date. The matter was fixed for formal proof on 25 August 2016.

4. The Plaintiff was the only witness where he gave evidence on oath. In his evidence he stated that he knew the Defendant. Between 2012 and 2014 he lends money to the Defendant all to the total value \$36,500.00. He tendered three Bank of the South Pacific (BSP) deposit slip and one Westpac deposit slip. He also tendered a documents signed by the Defendant agreeing to pay \$36,500.00 to the Plaintiff.
5. The Westpac deposit slip shows that \$100.00 was deposited to the Defendant's account number 9804812551. There was no evidence on how the three BSP deposit slip related to the Defendant. The total amount of money in the four deposit slip is \$1,800.00.
6. The document tendered which appears to be addressed To Whom It May Concern is worded to bind the Defendant as an agreement to pay \$36,500.00 to the Plaintiff. The documents shows to be signed by the Defendant as his name appeared underneath the signature.
7. The evidence of the Plaintiff was not challenge or discredited. I am bound to make determination on what is before this court. On the balance of probabilities I will accept the evidence of the Plaintiff in absence of any contradiction.
8. In my judgment, I find that the Defendant is liable to pay the amount claimed and I make the following orders ;-
 - a. The Defendant to pay \$36,300.00 to the Plaintiff.
 - b. The Defendant to pay costs of \$500.00 to the Plaintiff.



C. M. Tuberi
RESIDENT MAGISTRATE