

**IN THE SUPREME COURT OF FIJI**  
**APPELLATE JURISDICTION**

**Civil Petition No. CBV0004/2017**  
**[Court of Appeal ABU 0051 of 2015]**  
**[High Court Civil No. 002 of 2015]**

**BETWEEN:**            **SURUJ MAL**

**Petitioner**

**AND:**                 **SHEIK ABDUL RASHEED SAHIB**

**Respondent**

**Coram:**               **Gates J**

**Counsel:**            **Mr. R. Harper for the Petitioner**  
**No appearance by Respondent**

**Date of Hearing:**    **5<sup>th</sup> September 2017**

**Date of Ruling:**    **24<sup>th</sup> April 2019**

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**R U L I N G**

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- [1] The petition seeking leave to appeal was lodged on 5<sup>th</sup> April 2017. The Registrar as required by Rule 6(1) of the Supreme Court Rules 2016 fixed security for costs. He did so at \$5,000. The Registrar wrote to the solicitors for the Petitioner informing them of the costs fixed.
- [2] On the 1<sup>st</sup> August 2017 a letter was sent by the Registrar to the petitioner's solicitors informing them that they had failed to pay the security for costs within the 30 days required by Rule 6(4).
- [3] Accordingly the Registrar informed the President of the default by the Petitioner in the prosecution of the petition [Rule 16(1)]. The matter was set down with due notice for hearing on 5<sup>th</sup> September 2017. The notice warned of the possible consequences of default pursuant to Rule 17(2).

- [4] Mr. Harper courteously attending informed the court that the Petitioner “cannot afford to pay costs and therefore cannot proceed with his appeal.”
- [5] In the circumstances there being non-compliance with the Rules and no attempt to rescue the petition, I must order the petition to be dismissed.
- [6] Since there has been no attendance by the Respondent, there will be no order for costs.



A handwritten signature in blue ink, appearing to be "A. Gates", written over a dotted line.

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The Hon. Mr. Justice Anthony Gates  
**Judge of the Supreme Court**

**Solicitors:**

Messrs. Maqbool & Co. for the Petitioner  
No appearance by the Respondent

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