

IN THE HIGH COURT OF FIJI AT SUVA
CIVIL JURISDICTION

Civil Action No. HBM 19 of 2018

BETWEEN

SHRI RAM REDDY Religious Worker of 66 Brewster Street,
Toorak, Suva.

PLAINTIFF

AND

THE REGISTRAR OF TITLES Level 1, Civic Towers,
Suva

DEFENDANT

Counsel : Plaintiff appeared in person

Written Submissions : 01st March, 2018

Date of Ruling : 27th March, 2018

RULING

[1] The plaintiff filed this ex-parte notice of motion seeking an order that no fee shall be payable to the court in respect of this proceedings filed under the provisions of Section 24 of the Charitable Trusts Act 1945.

[2] Section 24 of the Charitable Trusts Act 1945 (the Act) provides thus:

No fee shall be payable to the Registrar or to the Supreme Court in respect of any report, scheme, order, inspection, or other proceeding filed or made under the provisions of this Part.

Section 16 of the Charitable Trusts Act 1945 provides:

In any case where it becomes impossible or impracticable to carry out the trusts upon which any property held for particular purposes of a charitable nature is held, or the amount available proves inadequate to carry out the original charitable purpose, or such purpose has been already effected, or such purpose is illegal or uncertain, then the property so held or any part or residue thereof may be disposed of for some other charitable purpose, or a combination of such purposes, in the manner and subject to the provisions hereinafter contained.

[3] It is important to consider reliefs the plaintiff is proposing to seek in this action. In the statement of claim he seeks the following orders:

- a) For an order that the defendant to take all necessary steps necessary for cancellation of incorporation of board of trustees under the Charitable Trusts Act of Fiji.
- b) For an order that ISKCON (International Society for Krishna Consciousness) be re-established under the registration No.240141 under the Religious Bodies Registration Act of Fiji.
- c) For an order that the defendant to take all steps necessary to re-transfer all properties of ISKCON transferred to the registrants or any of third parties upon terms and conditions as this Honourable Court seems just.

- d) For an order that the Commissioner of Police and the office of the Director of Public Prosecutions to re-open the case of State v Deoji Punja and to investigate into business and proprietary affairs of ISKCON from the time of its formation.
- e) Damages to be paid by the defendant.

[4] The provisions of section 16 of the Act are applicable to the cases of following categories;

1. Where it becomes impossible or impracticable to carry out the trusts upon which any property held for particular purposes of a charitable nature is held; or
2. the amount available proves inadequate to carry out the original charitable purpose, or such purpose has been already effected; or
3. the amount available proves inadequate to carry out the original charitable purpose; or
4. The purpose for which the Trust was created has been already effected; or
5. The purpose of the Trust is Illegal or uncertain; or

[5] From the averments of the statement of claim it appears that the dispute is between the mother society and ISKCON Fiji which is a breakaway from the mother society. The plaintiff alleged fraud on the part of the Trustees of ISKCON Fiji. This in my view is not a matter that comes within the purview of section 6 of the Act.

[6] For the above reason the court makes the following order.

Order

The application of the plaintiff to institute these proceedings without any payment of a fee to the court is refused.



27th March, 2018

Lyone Seneviratne

JUDGE