

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

**CIVIL ACTION NO. HBC 228 OF 2015**

**BETWEEN** : **CHALLENGE ENGINEERING LIMITED** a limited liability company having its registered office in Lautoka.

**PLAINTIFF**

**AND** : **THE ITAUKEI LAND TRUST BOARD** a statutory body incorporated under the iTaukei Land Trust Act Cap 134, Laws of Fiji and having its registered office at 431 Victoria Parade, Suva.

**DEFENDANT**

**Appearances** : Mr N. Kumar for the plaintiff  
Ms E. Raitamata with Mr T. Duanasali for the defendant

**Date of Hearing** : 7 May 2018

**Date of Ruling** : 7 May 2018

**R U L I N G**

[on adjournment]

[01] Today (7 May 2018), the matter came up before me for trial, when Ms Raitamata, counsel appearing for the iTLTB, the defendant made an application for adjournment of the trial. The ground relied upon by the defendant is that a CID investigation is underway in respect of the lease, the subject matter in this case. She submits that the CID investigation is necessitated because the lease has been issued to the plaintiff by an act of fraud and that the officer involved in the issuance of the lease has been terminated. She further submits that the file relevant to this case has been taken away by the CID that she is unable to conduct the trial.

- [02] Mr Kumar counsel appearing for the plaintiff objects to this application. He says that all these times, they were telling the court that they will settle the matter. This was their position on two or three previous occasions. He submits that the plaintiff is ready to proceed with the trial as we were not informed of this application prior to the trial date.
- [03] The court has the discretion to adjourn a trial if it thinks it expedient in the interest of justice (see O.35, R.3 of the High Court Rules).
- [04] I have carefully considered the submissions made by both the parties. The file relevant to the case has been taken by the police for investigations. The defendant has made a complaint to the police that the leave, the subject matter of the case has been obtained by fraud and investigation on the complaint is still going on. The plaintiff's claim hinges on the lease. In the circumstances, I am of opinion that it would not be prudent to proceed with the trial. It would not be fair to compel the defendant to face the trial without the relevant files with them. I would, therefore, allow the application to adjourn. I accordingly vacate the trial and adjourn the matter to another date for mention only. I would order the costs shall be in the cause.

#### The Result

1. The trial vacated.
2. The matter adjourned for mention only at 9. 30am on 2 July 2018.

*M.H. Mohamed Ajmeer*  
7/5/18

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**M.H. Mohamed Ajmeer**  
**JUDGE**



At Lautoka

7 May 2018

Solicitors:

For the plaintiff: Messrs Krishna & Co, Barristers & Solicitors

For the defendant: Legal Department, iTaukei Land Trust Board