

IN THE HIGH COURT OF FIJI AT SUVA
CIVIL JURISDICTION

Civil Action No. HBC 216 of 2013

BETWEEN : DIGICEL (FIJI) LIMITED

Plaintiff

AND : THE UNIVERSITY OF THE SOUTH PACIFIC STAFF
UNION

Defendant

Coram : The Hon. Mr Justice David Alfred

Counsel : Mr P. Katia for the Plaintiff
Mr. S. Valenitabua for the Defendant

Date of Judgment : 19 July, 2017

JUDGMENT

1. This is a claim by the Plaintiff for the sum of \$66,459.77 against the Defendant for the provision of telecommunication services.
2. On 25 October 2016, the Court, on the application of Counsel for the Plaintiff, ordered this matter to be referred the Registrar under the provisions of Order 36 rule 2(1) of the High Court Rules (HCR).

3. The Deputy Registrar, Mr Krishan Prasad conducted the inquiry in the presence of Counsel for the Plaintiff and Counsel for the Defendant. Mr Prasad's report dated 23 June 2017 (report) inter-alia states "The total amount claimed to be owed by the Defendant to the Plaintiff after examination of invoices and accountancy is now verified as being \$56,544.06. This amount has been agreed by Counsel for both the parties who have signed on page 35 of the Plaintiff's bundle of documents;" The report has been delivered to the Court.
4. When the matter came up before the Court on 17 July 2017, both Counsel confirmed that the amount claimed to be owed is \$56324.06, which is \$200 less than the amount in the report.
5. When the matter came up again on 18 July 2017, Counsel for the Defendant moved the Court for an Order under the provisions of O. 36 r 3.
6. Counsel for the Plaintiff then asked for costs of the action in the sum of \$2,500. Counsel for the Defendant quite commendably conceded this sum is reasonable.
7. Before I pronounce my judgment, there is one other issue to be dealt with i.e. interest. The Statement of Claim makes a bare claim for interest. No argument was addressed to the Court from the Bar as to the rate of the interest nor as to the period for which it should be awarded. In the circumstances I shall only award interest for the post judgment period at the statutory rate of 4%.

8. The Court hereby adopts the report in whole under the provisions of O. 36 r. 3 (3) (a) HCR, subject to the variation in para 4 above as a Judgment of the Court. In the result the Defendant is hereby ordered to pay the Plaintiff the sum of \$56,324.06, interest thereon at the rate of 4% p.a. from the date of judgment to the date of payment and costs summarily assessed at \$2,500.

Delivered at Suva this 19th day of July 2017.



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David Alfred
JUDGE of the High Court of Fiji