

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

**HBC 316 of 2022**

**BETWEEN:**        **NEESHIL PRASHANT VARMAN** of Olosara, Sigatoka, Medical Practitioner.  
**PLAINTIFF**

**A N D:**            **DEEPA SHYLINI CHANDRA** of Navo, Nadi, School Teacher.  
**DEFENDANT**

Appearances:            N/A for the Plaintiff  
                                 Ms. Vreetika with Mr. Roopesh Singh for the Defendant  
Date of Hearing:        19 December 2022  
Date of Ruling:        23 January 2023

**R U L I N G**

1.        The Plaintiff (“**Dr. Varman**”) is a Medical Practitioner. He and his estranged wife (“**Chandra**”), who is the Defendant in this case, have been separated since 05 July 2022.
2.        On 23 November 2022, exactly four months after their separation, Dr. Varman filed a Writ of Summons and Statement of Claim at the Lautoka High Court against Chandra alleging the following:
  - (a)        that ever since they separated, Chandra has made numerous false statements against Dr. Varman to undermine Dr. Varman’s professional standing as a Medical Doctor. These statements were communicated to people who hold key positions in the regulatory bodies of the medical profession.
  - (b)        Chandra has also made numerous defamatory statements against Dr. Varman.
  - (c)        he (Dr. Varman) holds a high position in society as a Medical Practitioner. If Chandra is not restrained, Dr. Varman risks losing his standing in society and reputation as a Medical Practitioner. Dr. Varman is also at risk of loosing his employment.
3.        The particulars of the defamatory statements alleged are set out in paragraphs 14, 16, 19, 21 and 23 of the Statement of Claim.

4. On the same day that Dr. Varman filed the Writ of Summons and Statement of Claim, he also filed an *ex-parte* Notice of Motion seeking an interim injunction to restrain Chandra from making defamatory statements.
5. I dealt with that application *inter-partes* on a Pickwick basis on 25 November 2022. On that day, I did dismiss the application after hearing Mr. Roopesh Singh (of Messrs Patel & Sharma) who appeared for Chandra and Mr. E. Dass who appeared for Dr. Varman. Mr. Singh argued that the application should be dismissed immediately on account of the fact:
  - (a) that Dr. Varman has not disclosed in his affidavit that there is a DVRO Order against him.
  - (b) that Dr. Varma is facing a charge of assault occasioning actual bodily harm where Chandra is the complainant.
6. What is before me now is an application by Messrs. Patel & Sharma filed on 25 November 2022 to strike out the Writ of Summons and Statement of Claim on the ground that it discloses no reasonable cause of action.
7. The application is filed pursuant to Order 18 Rule 18(1)(a) of the High Court Rules 1988.
8. The law relating to striking out pleadings under Order 18 Rule 18(1)(a) is well settled. There is no need for me to go over all the authorities in detail.
9. When faced with such an application, the first step is that the Courts will look at the facts as pleaded in the claim and assume that those pleaded facts are proved.
10. Then, with that as a starting point, the court will then ask – do these facts establish a reasonable cause of action?
11. At the hearing of the application, Ms. Vreetika went to great lengths to emphasise how the particulars of the defamatory words are not adequately pleaded in the claim.
12. I am of the view that the claim as pleaded discloses a reasonable cause of action. The Plaintiff has pleaded the words spoken, what he thinks their natural and ordinary meaning are, the date the words were allegedly spoken, and to whom the words were spoken. If the Defendant requires further particulars, it is open to her to apply for *Further and Better Particulars* under Order 103, Rule 8 of the High Court Rules 1988.
13. Having said that, I take into account the fact that the alleged defamatory words pleaded were, spoken shortly after the couple separated. In fact, at the time I am writing this ruling, the couple have only been separated for six months.
14. Meanwhile, there is an ongoing DVRO proceeding against Dr. Varman, and a separate criminal charge against Dr. Varman.
15. Against that background, it is likely that this claim might have been filed with an ulterior motive and, if that is the case, would either be an abuse of process or a scandalous, frivolous and vexatious claim. I say that because of the unique propensity for bitterness between a couple going through a

separation or divorce. A disgruntled spouse on a personal vendetta is quite capable of fabricating a story to manipulate Court processes in order to gain mileage – or – for the same reason, to file a claim for defamation against the other. This is not an unusual thing. In the end, there is no winner. It is the family's dirty laundry which will be made a spectacle.

16. I think both Counsel would do well to encourage their respective clients to go through counselling.
17. Accordingly, I dismiss the application.
18. Considering the special relationship between the parties and the peculiar circumstances involved, I will award no costs.



Anare Tuilevuka  
**JUDGE**  
Lautoka

23 January 2023