**IN THE HIGH COURT OF FIJI AT SUVA**

**CIVIL JURISDICTION**

**Civil Action No. HBC 155 of 2025**

**IN THE MATTER** of an application for an Order for sale pursuant to **Section 86 (2)** of the **Property Law Act 1971**

**AND**

**IN THE MATTER** of an application for

an Order for Sale pursuant to **Order 31** of the **High Court Rules 1988**

**BETWEEN**: **MOHIT KUMAR GOSAI** of 2419 Ophir Street, Stockton CA 94544, United States of America

**PLAINTIFF**

**AND:** **SANGEETA DEVI REDDY** of Lot 12 Naitata Road, Navua

**FIRST DEFENDANT**

**AND: BANK OF BARODA** a body corporate duly incorporated

in India, having its Head Office at Mandavi, Baroda, India and duly registered in Fiji under the Companies Act 2015 and having its registered office at 86 – 88 Marks Street, Suva, Fiji.

 **SECOND DEFENDANT**

**AFFIDAVIT IN OPPOSITION**

I, **SANGEETA DEVI REDDY** of Lot 12 Naitata Road, Navua make oath and say as follows:

1. **THAT** I am the First Defendant in this matter and as such am duly authorised and competent to swear to the facts deposed herein.
2. **THAT** save where otherwise stated, the facts deposed to herein are within my own personal knowledge and are true and correct.
3. **THAT** in response to paragraph 1–2 of the Plaintiff’s Affidavit in Support, I note the Plaintiff’s description of himself and the nature of his knowledge.
4. **THAT** in response to paragraphs 3–6, I admit that a Judgment by Default was entered against me on 5 August 2024 and that my application to set aside the Judgment was dismissed on 29 November 2024.
5. **THAT** in response to paragraphs 7–11, I do not dispute that the Plaintiff obtained a Charging Order Absolute on 29 November 2024, that such Order was registered against the Property, and that I am the registered proprietor of the Property described therein.
6. **THAT** in response to paragraphs 12–15, I admit that the Property is encumbered by the Second Defendant’s registered mortgage which ranks in priority. I further state that it is the Second Defendant who retains the power to discharge or otherwise deal with the mortgage, and therefore any sale or transfer cannot proceed without the Second Defendant’s involvement and consent.
7. **THAT** in response to paragraphs 16–18, while I note the Plaintiff’s proposal that the sale be conducted by his solicitors through tender, I respectfully oppose this proposal on the following grounds:
	1. The Plaintiff has previously only paid for 1 ½ lots out of the 8 lots into which the Property was divided, and has not paid for the remaining portions.
	2. The title to the Property remains subject to the Second Defendant’s mortgage, and therefore the Plaintiff is not in a position to effect or direct the sale without the Second Defendant’s cooperation.
	3. I respectfully submit that any sale by tender should be conducted by an independent person or entity, appointed by this Honourable Court, rather than by the Plaintiff’s solicitors who have a vested interest in the outcome.
8. **THAT** in response to paragraphs 19–20, I make no objection to the Plaintiff’s prayer for extension of time for the Charging Order, subject to the condition that any sale process be conducted independently and not under the exclusive control of the Plaintiff or his solicitors.

**Conclusion**

1. **THAT** in summary, while I do not dispute the procedural steps taken by the Plaintiff or the existence of the Judgment Debt and Charging Order, I respectfully oppose the Plaintiff’s proposal that the tender and sale process be undertaken by his solicitors.
2. **THAT** I pray that this Honourable Court direct that any sale of the Property be conducted by an independent person or agency appointed by the Court, taking into account the rights and interests of the Second Defendant as mortgagee and the fact that the Plaintiff has only contributed towards 1 ½ of the 8 lots of the said Property.

**SWORN** by the said **SANGEETA DEVI REDDY** at Suva in the Republic of Fiji this day of ,2025 before me afterthe contents of this Affidavit were read over in the English language and that she appeared fully to understandthe meaning and effect thereof and made her signaturethereto in my presence.

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**A COMMISSIONER FOR OATHS**

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**PLAINTIFF**

**AND:** **SANGEETA DEVI REDDY**

**FIRST DEFENDANT**

**AND: BANK OF BARODA**

 **SECOND DEFENDANT**

 **AFFIDAVIT IN OPPOSITION**

 Deponent:

 Sworn On:

 On Behalf of:

 Filed on:

****

 **KARUNARATNE LAWYERS**

 **Barristers & Solicitors**

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 **Suva**

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