**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CIVIL JURSIDICTION**

**Civil Action No. 107 of 2025**

**BETWEEN: RATU MELI LOKI TUNISAU** of Yavusa Matanikutu, Koro

Tamavua, Tikina Naitasiri, Yasana Naitasiri

 **1st PLAINTIFF**

**BETWEEN: RATU SAULA COLATA NADURUCOKO TUNISAU** of

Yavusa Matanikutu, Koro Tamavua, Tikina Naitasiri, Yasana Naitasiri.

  **2nd PLAINTIFF**

**AND: MOSESE ROKOTAKALA** of Yavusa Nayavumata, Koro

Suvavou, Tikina Suva, Yasana Rewa

 **3rd PLAINTIFF**

**AND: APENISA KALOKALO LOKI** of Yavusa Matanikutu, Koro

Tamavua, Tikina Naitasiri, Yasana Naitasiri.

 **1st DEFENDANT**

**AND: EPELI RAKAI** of Yavusa Matanikutu, Koro Tamavua,

Tikina Naitasiri, Yasana Naitasiri.

 **2nd DEFENDANT**

**AND: RONY CHAN AKA RONALD CHAN** of Tamavua – I –

Wai, Suva.

 **3rd DEFENDANT**

**AND: SILVERLINING INVESTMENTS PTE LIMITED** having its

registered office at Level 1, 11 Renwick Road, Suva, Fiji  **4TH DEFENDANT**

**AND: ITAUKEI LAND TRUST BOARD** a statutory body

established under the iTaukei Affairs Act, Cap 120 whose principal place of business is at 431 Victoria Parade, Suva, Fiji Islands.

 **5th DEFENDANT**

**AND: NATIVE LANDS COMMISSION** as a duly constituted

body under the Native Land Trust Cap 133

  **6th DEFENDANT**

**AND: THE MINISTER FOR ITAUKEI AFFAIRS** of 87 Queen

Elizabeth Drive, Nasese

 **7th DEFENDANT**

**AND: ATTORNEY GENERAL OF FIJI** of Level 7, Suvavou

House, Victoria Parade, Suva.

 **8th DEFENDANT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUMMONS TO STRIKE OUT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**LET ALL PARTIES** concerned attend before the Judge of the High Court at the High Court of Suva, Fiji on the \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_ at \_\_\_\_\_\_\_\_ o’clock in the \_\_\_\_\_\_\_\_ noon or soon thereafter so Counsel for the 1st and 2nd Defendants can be heard on the Application by the 1st and 2nd Defendants.

**FOR AN ORDER** that the Plaintiffs’ Substantive Writ Action, be struck out and wholly dismissed under Order 18 Rule 18 (b) (c) and (d) of the High Court Rules 1988, and under the inherent jurisdiction of this Honourable Court, **ON THE FOLLOWING GROUNDS**:

1. It is scandalous, frivolous, or vexatious;
2. It may prejudice, embarrass or delay the fair of the action; or
3. It is otherwise an abuse of process of the Court.

**AND** upon **THE FOLLOWING FURTHER GROUNDS**:

1. The land in question was lawfully leased to the 3rd Defendant under Lease No. 10345 (TLTB No. 4/3/41729) on 24th September 2021, and this lease was subsequently upheld by the Court of Appeal in *Silvering Investments Pte Ltd v Volau* [2022] Civil Appeal No. ABU0026 of 2022.
2. Although the order is injunctive in nature, it remains subject to the Court’s careful consideration of the merits. As affirmed by the Honourable Justice Vishwa Datt Sharma in his Judgment dated 21st August 2025 on the Inter Partes Summons for Interim Orders in this matter, the allegations of fraud, lack of consultation, and improper lease execution are merely speculative, unsupported by evidence, and are contradicted by the statutory procedures duly followed by the TLTB.

**AND FOR A FURTHER ORDER** that the costs of this application be paid by the Applicants.

**DATED** at Suva this day of 2025.

**TO:** Shirley Lavenia Susan Legal

 Solanki Lawyers

 iTaukei Land Trust Board

 Attorney General’s Office

*This* ***Summons to Strike Out*** *was drawn by Karunaratne Lawyers for and on behalf of the First and Second Defendants herein and whose address is 66 McGregor Road, Suva.*

**IN THE HIGH COURT OF FIJI**

**AT SUVA**

**CIVIL JURSIDICTION**

**Civil Action No. 107 of 2025**

**BETWEEN: RATU MELI**

**LOKI TUNISAU**

 **1st PLAINTIFF**

**BETWEEN: RATU SAULA**

**COLATA NADURUCOKO TUNISAU**

  **2nd PLAINTIFF**

**AND: MOSESE**

**ROKOTAKALA**

 **3rd PLAINTIFF**

**AND: APENISA KALOKALO**

**LOKI**

 **1st DEFENDANT**

**AND: EPELI RAKAI**

 **2nd DEFENDANT**

**AND: RONY CHAN AKA**

**RONALD CHAN**

  **3rd DEFENDANT**

**AND: SILVERLINING**

**INVESTMENTS PTE LIMITED**

  **4TH DEFENDANT**

**AND: ITAUKEI LAND TRUST**

**BOARD**

 **5th DEFENDANT**

**AND: NATIVE LANDS**

**COMMISSION**

  **6th DEFENDANT**

**AND: THE MINISTER FOR**

**ITAUKEI AFFAIRS**

 **7th DEFENDANT**

**AND: ATTORNEY GENERAL**

**OF FIJI**

 **8th DEFENDANT**

 **SUMMONS TO STRIKE OUT**



 **KARUNARATNE LAWYERS**

**Barristers & Solicitors**

**66 McGregor Road**

**Suva**

**Phone: 2946040/7855595**

**Email**: jagath@karunaratnelawyers.com.fj