

IN THE COURT OF APPEAL, FIJI  
ON APPEAL FROM THE HIGH COURT OF FIJI

CIVIL APPEAL NO. ABU 81 OF 2017  
(High Court Civil Action HBA No: 7 of 2017 at Lautoka)

BETWEEN : VIVEK INVESTMENT PTE LIMITED

Appellant

AND : MIDWEST PROPERTIES LIMITED

Respondent

Coram : Lecamwasam JA  
Almeida Guneratne JA  
Jameel JA

Counsel : Mr R Vananalagi for the Appellant  
Ms S Nayacalevu for the Respondent

Date of Hearing : 19 February 2019

Date of Ruling : 8 March 2019

**RULING**

Lecamwasam JA

- [1] This is an appeal filed by the appellant on ten grounds of appeal. When the matter came up for argument before the Court of Appeal, parties filed a joint consent motion dated 18 February 2019, parties have agreed as follows:

1. *The Appellant would not proceed with the order of the High Court dated 7 July 2017, ordering the winding up of the Appellant and the appointment of the liquidator;*
2. *The Respondent withdraws the application for striking out the application for winding up.*

[3] Accordingly, the court makes the following orders:

- (i) *Appeal is dismissed subject to the aforesaid agreement.*
- (ii) *Parties to bear their own costs.*

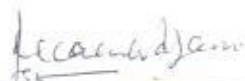
**Guneratne JA**


[4] I agree with the orders proposed by Lecamwasam JA.


**Jameel JA**

[5] I agree with the orders proposed by Lecamwasam JA.



  
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Hon. Justice S Lecamwasam  
JUSTICE OF APPEAL

  
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Hon. Justice Almeida-Guneratne  
JUSTICE OF APPEAL

  
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Hon. Justice F Jameel  
JUSTICE OF APPEAL