

IN THE HIGH COURT OF FIJI
AT SUVA
PROBATE JURISDICTION

PROBATE NO.: 54333

IN THE ESTATE of **ESETA ADIKAI**
RABAKOKO of lot 281, Rewa Street, Suva,
TLTB Estate Officer, Deceased, Testate.

BEFORE : **Acting Master of the High Court Mr. Rajasinghe**

COUNSEL : **Mr. Sharma S., Legal Aid Commission**

Date of Hearing : **30th September, 2013**

Date of Ruling : **4th October 2013**

R U L I N G

1. The applicant Mr. Jone Salele Waqavesi by way of Ex – Parte Summons instituted this proceedings seeking following order inter alia,
 - i. **That** the leave to be granted to Jone Salele Waqavesi of Bulileka, Labasa to take out the letters of Administration Grant in the Estate of Eseta Adikai Rabakoko.
2. The applicant stated in the summons that this application was made pursuant to section 7 (c) of the Succession, Probate and Administration Act cap 60.
3. Section 7 of the Succession , Probate and Administration Act states that “ The court may grant administration of the estate of a person dying intestate to the following persons (separately or conjointly) being not less than 21 years of age-
 - (a) the husband or wife of the deceased; or

(b) if there is no husband or wife, to one or more of the next of kin in order of priority of entitlement under this Act in the distribution of the estate of the deceased; or

(c) any other person, whether a creditor or not, if there is no person entitled to a grant under paragraphs (a) and (b) resident within the jurisdiction and fit to be so entrusted, or if the person entitled as aforesaid fails, when duly cited, to appear and apply for administration .

4. In view of the section 7 (c) of the Act, the applicant is required to satisfy the court that there is no person entitled to a grant under paragraphs (a) and (b) resident within the jurisdiction and fit to be so entrusted or if the person entitled as aforesaid fails, when duly cited to appear and apply for administration.
5. The applicant stated in his affidavit that he is the parental uncle of the deceased and looked after her with her two children who are the beneficiaries of this estate. The deceased was not married though she had two children. The two children are now living with the applicant. The parents of the deceased are also deceased. The three full siblings and three half siblings of the deceased are not interested in taking out the letters of administration in respect of the estate of the deceased. The letters of denunciation of these siblings are tendered as annexure to the affidavit of the applicant for my perusal and consideration.
6. The applicant further stated that the two children of the deceased are now under his care. He estimated the net value of the estate of the deceased is \$, 30,000. The applicant tendered the copy of the Oath of Administrator, Administration Bond and affidavit of Justification of sureties in respect of the estate of the deceased as annexure for my perusal and consideration.
7. Having considered the averments in the affidavit in support and the oral submissions of the learned counsel for the applicant, I hold that the applicant successfully satisfied the requirements stipulated under section 7(c) of the Succession, Probate and

Administration Act. I accordingly grant applicant leave to take out the letters of administration grant in the estate of deceased Eseta Adikai Rabakoko.

Dated at **Suva** this **4th** day of October, **2013**.

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R.D.R Thushara Rajasinghe
Acting Master of high court,
High Court, Suva