

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

**Civil Action No. HBC 202 of 2023**

**IN THE MATTER** of an application under the provisions of Section 57 (3) (b) of the Fiji National Provident Fund Act 2011.

**IN THE MATTER** of **MUNESH SAMI** Late of 40 Galba Street, Rifle Range, Lautoka, Locomotive Engineer, Deceased, Intestate.

**BETWEEN:** **MONITA SONALI SAMI** of 40 Galba Street, Rifle Range, Lautoka, Domestic Duties.

**1<sup>st</sup> Applicant**

**AND:** **MANISHA RUPALI SAMI** of 40 Galba Street, Rifle Range, Lautoka, Domestic Duties.

**2<sup>nd</sup> Applicant**

**AND:** **MUMTA KRISHINTHA SAMI** of 40 Galba Street, Rifle Range, Lautoka, Student.

**3<sup>rd</sup> Applicant**

**AND:** **JULIET NAGAMMA SAMI** also known as **JULIET NAGAMMA MARRAIYA** also known as **JULIET NAGAMMA FARRELL** of 5 Lindan Place, Seven Hills, New South Wales, NSW 2147, Teacher.

**1<sup>st</sup> Respondent**

**AND:** **FIJI NATIONAL PROVIDENT FUND** a statutory body continued in existence under the provisions of the Fiji National Provident Act 2011, having its Principal Office at Level 2, Provident Fund Plaza, 33 Ellery Street, Suva.

**2<sup>nd</sup> Respondent**

**Representation**

**Applicants:** In Person

**1<sup>st</sup> Respondent:** No Appearance.

**2<sup>nd</sup> Respondent:** Ms M. Koto.

**Date of Hearing:** 1<sup>st</sup> July 2024

**Ruling**

[1] The Applicants filed originating summons and affidavit in support of the 3<sup>rd</sup> Applicant seeking unallocated FNPF funds of Late Munesh Sami to be released to

the three applicants. The three applicants are siblings and daughters of Munesh Sami. Munesh was married to the 1<sup>st</sup> Respondent.

[2] Section 57 (3) of the Fiji National Provident Fund Act 2011 sets out the disposition of the unallocated fund according to law. The applicable law is the Succession, Probate and Administration Act 1970. Part 3 of the Act sets out the distribution on intestacy. I have noted the relevant laws governing succession to property on intestacy. The three Applicants and the 1<sup>st</sup> Respondent are entitled to unallocated FPNF funds of the deceased. The 1<sup>st</sup> Respondent upon being served the Application filed an affidavit where she renounced her share and right to the funds. She sought that the funds be equally distributed between the three applicants.

[3] I have noted the application and the affidavits of the parties. The 1<sup>st</sup> Respondent has renounced her share and right to the unallocated FPNF fund and sought that the funds be equally distributed amongst the three applicants. Upon renunciation of the right to the funds by the 1<sup>st</sup> Respondent the Courts orders that the funds be equally distributed amongst the three daughters of the deceased.

[4] **COURT ORDERS**

**The unallocated FPNF monies held by the High Court of the deceased (Munesh Sami) be paid equally to the three applicants, being the daughters of the deceased (Monita Sonali Sami, Manisha Rupali Sami, and Mumta Krishintha Sami).**



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Chaitanya S.C.A. Lakshman

**Puisne Judge  
8<sup>th</sup> July 2024**

