

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

HPP Action No. 42 of 2025

Between: **SEVULONI DEBALEVU** of Lot 63 Macfarlane Road, Raiwai, Suva, Fiji, Pest Control Technician.

PLAINTIFF

AND: **FIJI PUBLIC TRUSTEE CORPORATION LIMITED** of Public Trustee House, 83-85 Amy Street, Toorak, Suva as Administrator of the Estate of Sevuloni Debalevu, Letters of Administration No:35672 late of Lot 63, Raiwai Housing, Suva, Fiji.

DEFENDANT

Representation:

Plaintiff: Ms. A. Nakasava (Frangipani Legal)

Defendant: Ms. L. Silatolu (FPTCL)

Date of Hearing: 6th August 2025.

Decision

- [1] The Plaintiff is seeking the removal and discharge of the Defendant as the Administrator of the deceased's estate. He is seeking a grant of new letters of administration De Bonis Non. The applicant is the grandson of the deceased. The Plaintiff relies on his affidavit and Section 4 (1) (e) (f) of the Trustees Act.
- [2] An affidavit in opposition was filed. The plaintiff then filed a reply.
- [3] The Public Trustee of Fiji (which has been succeeded by Fiji Public Trustee Corporation Limited) was granted Letters of Administration No. 35672 to administer the estate of Sevuloni Debalevu on 7th August 1998. The Defendant is the Administrator of the estate. The Letters of Administration gave the Defendant powers to administer the estate of the deceased which by law devolves to and vests in the personal representative of the deceased.
- [4] The Plaintiff relies on Section 4 (1) (e) and (f) of the Trustees Act 1966 in this application. It deals with appointment of Trustees who refuses to act or is unfit to act. The Defendant was not appointed the Trustee of the estate. The Defendant was appointed by the Court as the Administrator to manage and distribute the deceased's assets. That role involves collecting assets, paying debts, and distributing the remaining property to the rightful beneficiaries. Unlike a Trustee, an Administrator follows the Succession Probate and Administration Act 1970, not specific instructions from a trust, which is governed by the

Trustees Act 1966. I also note that Section 4 (9) of the Trustees Act provides that “the term “Trustee” does not include a personal representative as such.”

- [5] The application fails as it not made under the relevant law. The law cited does not cover Administrators. It covers Trustees. I also have perused the application and the basis of the application. It has no merits. The Plaintiff and the other beneficiaries need to work with Defendant to finalize the estate.
- [6] It is in the interest of the Plaintiff and the other beneficiaries to work with the Defendant to sort out the deceased’s estate. The Defendant provides professional, affordable and accessible Estate services to the people of Fiji. The requirements of the Administrator need to be complied with. There are no short cuts in estate matters. It is now going to the next generation and the estate is yet to be finalized. The parties should immediately work together and finalize and sort out the estate.
- [7] The originating summon is dismissed. Parties are to bear their own costs.

Court Orders

- (a) The Originating Summon is dismissed.*
(b) Parties are to bear their own costs.



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Hon. Justice Chaitanya S.C.A Lakshman
Puisne Judge

29th August 2025