

IN THE HIGH COURT OF FIJI

AT SUVA

CIVIL JURISDICTION

Civil Action No. HBP 198 of 2021

IN THE MATTER of an application under the provisions of Sections 57(3) (b) and 57(4) of the Fiji National Provident Fund Act 2011 and Succession, Probate and Administration (Amendment) Act 2018 No. 6 of 2018, Section 1(e).

AND

IN THE MATTER of **METHUSELAH ERIA** late of Vatudamu Settlement, Savusavu, Fiji, Laborer, Deceased.

BETWEEN: **TEUAITI** also known as **TEUEAISI**, Votualevu Tadra, Nadi, Fiji, Unemployed.

PLAINTIFF/APPLICANT

AND: **MARLEEN TALEI** of Vatudamu Settlement, Savusavu, Fiji, Domestic Duties.

DEFENDANT/ RESPONDENT

BEFORE: **Honorable Mr. Justice Vishwa Datt Sharma**

COUNSEL: **Mr. Buakula J.** - for the Plaintiff/Applicant
Non-appearance - of the Defendant/Respondent

DATE OF JUDGMENT: 12th November, 2025 @ 9.30am

JUDGMENT

[Release of FNPF funds held into High Court Account]

INTRODUCTION

1. The Plaintiff/Applicant filed an Originating Summons coupled with an Affidavit in Support and sought for the following orders:
 - (i) The unallocated amount from the preserved and general entitlements of **MS. METHUSELAH ERIA** late of Vatudamu Settlement, Savusavu, Fiji, Laborer, Deceased paid by the Fiji National Provident Fund to the High Court be released to the Plaintiff/Applicant; the bank account details as follows:
 Bank: HFC
 Account Name: Viti Drua Premium Account
 Account Number: 100045770
 - (ii) Any other Order that this Honourable Court deems just and expedient.
2. The application is made under the provisions of Section 57(3) of the Fiji National Provident Fund Act 2011 and Section 6 of the Succession, Probate and Administration Act 1970 and relies on the affidavit deposited by **Teuaiti** filed herein.
3. The Defendant/Respondent was served with Plaintiff's/Applicant's application on 19th March 2025 and an Affidavit of Service filed. The Defendant/Respondent never appeared in Court to challenge the orders sought therein, rather renounced all her shares on 19th April 2024 in favor of her father-in-law Teuaiti, Plaintiff/Applicant.
4. The Plaintiff/Applicant furnished Court with a written submissions.

DETERMINATION

5. Methuselah Eria died in Intestate on 19th March 2011. He was the biological son of Teuaiti, Plaintiff/Applicant and was legally married to one Marleen Talei Taylor on 11th July 2019.
6. The deceased did not have any issues at the time of his death.
7. The legal wife of the deceased, Marleen Talei had renounced her share in the deceased person's FPNF Fund which is currently held by the High Court since the deceased did not nominate anyone to be entitled to his FPNF Funds upon his demise.
8. Thus, in law, the only persons hereinafter, who were entitled to the deceased, Methuselah Eria's FPNF Funds were the deceased's parents. Notably, the deceased's mother, Dite also took demise, on 7th November 1995, leaving the deceased's father, Methuselah Eria, Plaintiff/Applicant as the only person at the current time entitled to the entire FPNF sum held into the High Court.
9. I make reference to the case authority of **re FPNF of Tarairatu** [2011] FJHC 505; HBP 47 (6 September 2011) the Court discussed the matter in which a deceased person's FPNF Fund is to be distributed and the following passage is relevant:

'The law relating to the FNPF Distribution is clear in the matter of **Mohammed Hassan**.

Mohammed Hassan [1989] 35 FLR 107, where Fatiaki J (as he then was) -

'Held that the sum standing to the credit of the Deceased member of FNPF does not form part of his Estate and accordingly is to be distributed in terms of the entitlement as provided for by the Succession, Probate and Administration Act [SPA].

10. Further, **Section 6(e) of the Succession, Probate and Administration Act** it states:

"if the intestate leaves no issues but both parents, then, subject to the interests of a surviving wife or husband or defacto partner, the father and mother of the intestate shall take the residuary estate of, the intestate absolute in equal shares.'

11. Bearing the above law in mind, the FNPF Funds of the deceased, Methuselah Eria held with the High Court should be paid out to the deceased's father, Teuaiti Eria (Plaintiff/Applicant) in this case accordingly.

12. I therefore order that the entire FNPF monies standing to the credit of the deceased, Methuselah Eria and currently held by the High Court Registry Suva to be immediately paid out to Teuaiti Eria accordingly.

ORDERS

- (i) The entire FNPF monies standing to the credit of the deceased, Methuselah Eria to be immediately paid out to the Plaintiff/Applicant, Teuaiti Eria.
- (ii) File is closed with the above order intact.

Dated at **Suva** this **12th** day of **November** , **2025**.




 VISHWA DATT SHARMA
 PUISNE JUDGE

Cc: Legal Aid Commission, Lautoka
 Marleen Talei Taylor, Vatudamu Settlement, Savusavu. [for information]