

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

**HPP 50of 2014**

**IN THE ESTATE of MOHAMMED**  
**SHAMS UD DEAN**

**BETWEEN:** **FIJI PUBLIC TRUSTEE CORPORATION**  
**LIMITED** of Public Trustee House, 83-85 Amy  
Street, Toorak, Suva, (as proposed Administrator in  
the Estate of Ram Rati)

**APPLICANT**

**AND:** **IN THE ESTATE OF MOHAMMED SHAMS UD**  
**DEAN** late of Suva, Labourer

**RESPONDENT**

**COUNSEL:** Ms. May, R. for the Applicant

**BEFORE:** Acting Master S. F. Bull

**RULING:** 31 August 2015

# **RULING**

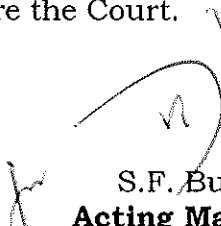
## **Introduction**

1. On 30 October 2014, the Applicant filed an ex-parte originating summons seeking orders for the revocation of Letters of Administration earlier granted to the Public Trustee of Fiji; the admission of the last will and testament of one Mohammed Shams Ud Dean dated 26 August 1976 to probate, and for the Public Trustee Corporation Limited to be substituted for the trustee named in the will, to administer the estate of the said Mohammed Shams Ud Dean.

2. The matter was first called before the Master on 27 December 2014 and set for hearing on 23 March 2015, with the Master directing for the Court to first deal with the question of jurisdiction of the Master to deal with the summons.
3. The affidavit in support of the application was sworn by Atonio Takala, the Chief Executive Officer for the Fiji Public Trustee Corporation Limited (the Corporation). The Corporation was appointed administrator of the estate of the deceased on 15 April 1981. To date, the administration of the deceased's estate is yet to be completed.
4. Subsequent to this grant, it was discovered that the deceased had executed a will on 26 August 1976. Mr. Takala deposes that the trustee named in the will had predeceased the testator, and that all the beneficiaries under the will agree for the Corporation to be substituted as trustee of the estate. Annexed to his affidavit are letters from the children of the deceased and beneficiaries under the will, consenting for the Public Trustee to obtain a grant of probate for the estate of the deceased.
5. It is submitted for the Corporation that these proceedings are uncontested.
6. Section 23 (a) of the Succession, Probate and Administration Act provides:

The court may, at any time, upon the application of any person interested in the estate or of its own motion on the report of the Registrar revoke the administration already granted...

7. The jurisdiction of the Master is provided for in Order 59 of the High Court Rules 1988 (the HCR), rule 2 (j) of which gives the Master jurisdiction to deal with uncontested grants of Probate and Letters of Administration.
  
8. I am satisfied that this is an uncontested probate matter and that the Master therefore has jurisdiction to deal with the ex-parte originating summons now before the Court.

  
S.F. Bull  
**Acting Master**

