

IN THE HIGH COURT OF FIJI AT SUVA
PROBATE JURISDICTION

Action No. HPP 62 of 2020

IN THE ESTATE of **RAMAN PRATAP SINGH** late of 5 Karan Singh Road, Samabula, Suva,
Barrister and Solicitor, Testate.

AND

IN THE MATTER of removal of Caveat pursuant to section 47 of Succession, Probate and
Administration Act.

BETWEEN

ROBEENA SINGH of 4/31 Webb Street, North Parramatta, NSW 2151, Australia,
Clerk, **SABRINA SINGH** aka **SABRINA KANDAPPER** of 801/417 Bourke St.,
Surry Hills NSW 2010, Australia, Solicitor and **MOBEENA HILLS** of 15
Ascot Place, Rangiora 7400, New Zealand, Solicitor as the intended
Executrixes and Trustees in the **ESTATE OF**
RAMAN PRATAP SINGH.

APPLICANTS/CAVEATEES

AND

GEETA MALINI of 5 Karan Singh Road, Samabula, Suva, Domestic duties.

RESPONDENT/CAVEATOR

Counsel : Mr. Singh A.K. for the Applicants
Mr. Anand V. for the Respondent

Date of Hearing : 11th December 2020

Date of Ruling : 21st December 2020

RULING

(On the application for removal of caveat)

- [1] The applicants filed this summons on 14th August 2020 seeking to have the Caveat No. 46 of 2020 entered in the Estate of Raman Pratap Singh by the respondent, removed.
- [2] The respondent has not filed an affidavit in opposition. At the hearing the learned counsel for the respondent submitted that the only interest of the respondent in this matter is her share of the estate who lived with the testator in a de-facto relationship.
- [3] In the testator's last will which has already been submitted to the Probate Division with the application for the grant of probate, he has appointed the three applicants as the executors and trustees of his estate.
- [4] Section 47 of the Succession, Probate and Administration Act provides:
- (1) In every case in which a caveat is lodged, the court may, upon application by the person applying for probate or administration, or for the sealing of any probate or letters of administration, as the case may be, remove the same.
 - (2) Every such application shall be served on the caveator by delivering a copy of the same at the address mentioned in his caveat.
 - (3) Such application may be heard and order made upon affidavit or oral evidence, or as the court may direct.
- [5] Preventing the executors and trustees appointed in the last will does not in any way assist the respondent to obtain her entitlement of the estate. Before making any claim

there must be an executor or trustee, as the case may be, appointed to administer the estate.


- [6] If the executor or administrator fails or neglects to administer the estate properly having regard to the intentions of the testator and/or the relevant provisions of the law then any party who had been deprived of his or her rights can come before the court and make a claim.
- [7] For the reasons set out above the court makes the following orders.

ORDERS

1. The caveat No. 46 of 2020 is removed forthwith.
2. The probate can be granted to the applicants after processing the application already made by them.



21st December 2020


Lyone Seneviratne
JUDGE