

IN THE HIGH COURT OF FIJI AT SUVA

PROBATE JURISDICTION

Probate No: 43584

**IN THE ESTATE of KATHLEEN
PETRIE CLARK late of Korolevu, Fiji,
Widow, Deceased**

WILLIAM JAMES CLARK of Lot 3 Waqa Circle, Nasoso, Nadi

APPLICANT

TRUSTEE CORPORATION LIMITED of Suva

RESPONDENT

For the Applicant: Mr. O’ Driscoll

RULING ON SUMMONS

1. The Applicant filed a Summons on the 25th of September 2024, seeking the following orders: -
 - (a) That Probate No. 43584 be revoked
 - (b) That Letters of Administration De Bonis Non with the Will annexed be issued in this matter in favour of the Applicant.
 - (c) That a copy of the Will of Kathleen Petrie Clark dated 11th March 1993 be used for the purpose of the requested grant.
 - (d) That sureties be dispensed with; and
 - (e) That there be no costs of this application.

2. The application is supported by the affidavit in support of William James Clark of Lot 3 Waqa Circle, Nasoso, Nadi.
3. He is the grandson of the late Kathleen Petrie Clark and on her death, the administration of his estate was granted to the Trustee Corporation on 28th April 2005.
4. The administration of his estate was not completed by the Public Trustee, so they filed a Deed of Renunciation on 27th June 2023 in his favour.
5. He has been notified that the current Probate No. 43584 needs to be revoked before Letters of Administration De Bonis Non and the Will can be issued in his favour. He was also advised to engage counsel to assist in this and he has done that as well.
6. The remaining beneficiaries want to complete the estate of his late grandmother, and he states that he is the right person in succession to complete that.
7. Probate No. 43584 contains the Will of his late grandmother although he does not have the original and he seeks permission to use the copy of the Will as contained in Probate No. 43584.

Analysis

8. After reading the Summons and the affidavit filed in support, I find that the Applicant is a proper person to administer the Estate of Catherine Petrie Clark, and I grant the orders sought in the Summons.

The Court therefore orders as follows: -

- 1. That Probate No. 43584 be revoked**
- 2. That Letters of Administration De Bonis Non with the Will annexed be issued in this matter in favour of the Applicant.**
- 3. That a copy of the Will of Catherine Petrie Clark dated 11th March 1993 be used for the purpose of the requested grant.**

4. That sureties be dispensed with.

5. Parties to bear their own costs.



A handwritten signature in black ink, consisting of a large, stylized capital letter 'U' followed by a horizontal line that extends to the right and then curves downwards.

Mr. Justice U. Ratuveli
Puisne Judge

cc: - O'Driscoll Lawyers