

IN THE HIGH COURT OF FIJI
AT SUVA
CIVIL JURISDICTION

Civil Action No. HPP 100 of 2023

IN THE MATTER of **FNPF** of **LAMUEL FRANKLIN DASS**, late of Jittu Estate,
Raiwaqa, Suva, FIJI, Retired Baker, Deceased, Intestate

AND

PRAVEEN LATA of Jittu Estate, Raiwaqa, Suva, FIJI, Defacto Partner of the
Deceased (**herein “the Applicant”**)

Re: Application for Release of Funds Remitted from FNPF by De facto Partner

Counsel: Mr. Prasad, Ashneel for the Applicant

Date of Judgment: 18th July, 2025

JUDGMENT

(Ex-Parte Application)

A. INTRODUCTION

1. The Applicant is seeking an order of the court to obtain the money in the account of Fiji National Provident Fund (FNPF) which was transferred to the High Court in terms of **Section 57** of the **Fiji National Provident Fund Act, 2011**. The funds were that of the deceased member Lamuel Franklin Dass, who at the time of his death, was in a de-facto relationship with the Applicant namely Praveen Lata.
2. The Applicant has filed an Ex-Parte Originating Summons and Affidavit in Support with the Court on 3rd November, 2023. She further filed a supplementary affidavit on 20th June, 2024.

B. AFFIDAVIT OF PRAVEEN LATA

3. The affidavit of Praveen Lata dated 2nd November, 2023 is summarized as follows:
 - (a). That **LAMUEL FRAKLIN DASS**, late of Jittu Estate, Raiwaqa, Suva, Fiji, Deceased, Interstate, died on the 28th May, 2016 at Jittu Estate, Raiwaqa.
 - (b). That the Deceased and her at the time of his demise had a son namely **NICKLE FRANKLIN DASS**, male born on the 28th December, 2004.
 - (c). That the Deceased before his demise informed her that he was married and had one child namely **LAWRENCE SAMUEL FRANKLIN DASS**, male born on 9th June, 1992 with his previous wife but they have since divorced.
 - (d). That the Deceased and her were in a de-facto relationship from the year 2000 until his demise in 2016.
 - (e). That sometimes in July, 2022, she received a letter from the Fiji National Provident Fund (FNPF) informing her that the Deceased's monies has been paid to the High Court of Fiji for disposal according to Law due to an invalid nomination/ no nomination or minor nominee. **(A letter from the FNPF dated 12th July, 2022 annexed).**
 - (f). Upon receiving the letter from FNPF, she enquired about the amount that was left in the deceased's account. She was informed that the deceased has \$10,140.94 credited into his account.
4. Furthermore, Praveen Lata filed a supplementary affidavit dated 19th June, 2024 which confirmed that the deceased married one LIN TELINA SHAMIM MOHAMMED on 24th December, 1990 at Suva and they were divorced on 24th June, 1999. **(A letter from Birth, Death and Marriage Registry dated 12th June, 2024 annexed).**

FACTS AND ANALYSIS

5. If a deceased member of FNPF had not nominated a beneficiary upon his or her death such funds are remitted to this court in terms of **Section 57(3) of FNPF Act 2011** for distribution in terms of law.

6. In this instance, the Applicant was in a de-facto relationship with the deceased from 2000 until his demise on 28th May, 2016, a total of 16 years.
7. In terms of Interpretation **Section 2 of the Succession Probate and Administration Act, 1970** de-facto partner means a person in de-facto relationship. Since word ‘means’ is used it is an exclusive interpretation. De facto relationship is also defined in the same Section as follow;
- “de facto relationship” means a relationship between a man and woman who are at least 18 years of age and , although not legally married to each other have lived with each other as spouses on a genuine domestic basis for*
- (a) Period of more than 3 years; or*
- (b) A period of less than 3 years, provided-*
- (i) The relationship has resulted in the birth of adoption of child, or*
- (ii) The court, having regard to the circumstances listed in section 154A of the [Family Law Act 2003](#), considers it just to treat the relationship as a de facto relationship”(Emphasis added)*
8. In order to consider de facto relationship consideration of Section 154Section of [Family Law Act 2003](#) is needed. Section 154 A of [Family Law Act, 2003](#), states:
- “154A In determining whether 2 persons are in a de facto relationship, all the circumstances of the relationship are to be taken into account, including but not limited to the following as may be relevant in a particular case—*
- (a) the duration of the relationship;*
- (b) the nature and extent of common residence;*
- (c) whether or not a sexual relationship exists;*
- (d) the degree of financial dependence or interdependence and arrangements for financial support between the parties;*
- (e) the ownership, use and acquisition of property;*
- (f) the degree of mutual commitment to a shared life;*
- (g) the care and support of children, if any;*

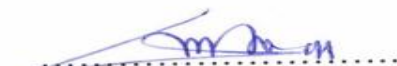
- (h) *the performance of household duties; and*
- (i) *the reputation and public aspects of the relationship.”*

9. In this case, the Applicant has been in a de-facto relationship with the deceased for 16 years until his demise. They had been lived together and also had a son born on 28th December, 2004. So she is considered to be the surviving de-facto partner of the deceased.
10. In considering the aforesaid reasons, I am satisfied that the Applicant’s claim for money to be distributed in terms of the law under **Section 57(3) of FPNP Act 2011** is to be granted to her.

FINAL ORDERS

11. The Court orders as follows;
- (a) That the Applicant namely **PRAVEEN LATA** is declared the defacto partner of the deceased **LAMUEL FRANKLIN DASS**.
 - (b) That the funds amounting to Ten Thousand One Hundred Forty Dollars and Ninety Four Cents (**\$10,140.94**) remitted to court by the Fiji National Provident Fund is to be granted to the Applicant namely **PRAVEEN LATA**.
 - (c) That there will be no order as to costs.




Waleen M George
Acting Puisne Judge

Dated at Suva this 18th day of July, 2025

Solicitors:

Legal Aid Commission for the Applicant.