

IN THE HIGH COURT OF FIJI
AT SUVA
PROBATE JURISDICTION

HPP No. 11 of 2024

IN THE MATTER of Estate of Late
LACHMI NAIR also known as
LATCHMI NAIR also known as
LAKSHMI NAIR late of Vatulaulau,
Ba, Domestic Duties, Intestate.

BETWEEN: KAVITA PARVATI LATCHMAN of 19 Blockhouse Bay Road,
Avondale, Auckland as the beneficiary of the Estate of Late LACHMI
NAIR also known as LATCHMI NAIR also known as LAKSHMI
NAIR late of Vatulaulau, Ba, Domestic Duties, Intestate.

APPLICANT

AND: GEETA GYANESHWARI NAIDU of Australia as Administratrix of
the Estate of Late LACHMI NAIR also known as LATCHMI NAIR
also known as LAKSHMI NAIR late of Vatulaulau, Ba, Domestic
Duties, Intestate.

RESPONDENT

Appearance:

Applicant: Ms. Lazel (Lazel Lawyers).

Respondent: No Representation and/or Appearance.

Date of Hearing: 26th June 2025.

Decision

[1] Inter parties originating summons (OS) were filed on behalf of the Applicant seeking the following reliefs:

- a. ***An Order** for the Respondent to transfer her equal share in the Estate of Lachmi Nair also known as Latchmi Nair also known as Lakshmi Nair to the Applicant.*
- b. ***An Order** that the [Respondent] be restrained from dealing with any assets of any kind or nature owned by the Estate of Lachmi Nair also known as Latchmi Nair also known as Lakshmi Nair.*
- c. ***An Order** for the Respondent to provide a full and accurate financial statement accounting for all assets and income of the Estate of Lachmi Nair also known as Latchmi Nair also known as Lakshmi Nair.*
- d. *That orders be made for the distribution of the Estate of the deceased.*
- e. *Any other orders or relief as [the] Honorable Court may deem fit in the circumstances.”*

The OS is accompanied with an affidavit of the Applicant.

- [2] At first call of the matter the court was advised that the Respondent was not served. She resided in Australia. Service was sought through email. I sought that a formal application be made. An ex-parte application, with an affidavit of the Applicant was made for service via email and registered post. According to the Applicant, the Respondent was communicating using her email address sometimes in June 2024. On 27th March 2025, I granted service by email and registered post.
- [3] An affidavit of service was filed on behalf of the Applicant on 2nd May 2025. It states that it was served via email and registered post. The Respondent has not appeared. She neither responded. She has neither briefed a lawyer. The matter proceeded to hearing.
- [4] The Applicant is the daughter of the deceased. She is also a beneficiary. Letters of administration was granted to the Respondent on 14th February 2018. According to the Applicant, the Estate consists of a property located at 123 Laucala Bay Raod. It is for the benefit of the children of the deceased. The Applicant alleges that the Respondent has been renting out the property and using the rental income for her personal benefit. The property has deteriorated and requires maintenance.
- [5] The Respondent has not responded to the email or the registered post documents. The affidavit evidence of the Applicant is unchallenged.
- [6] Having considered everything I am inclined to order that the Respondent, as Administratrix of the Estate of Lachmi Nair also known as Latchmi Nair also known as Lakshmi Nair transfer to the Applicant her shares in the respective properties. The Respondent is restrained from dealing with the properties of the Estate in any manner whatsoever. The Respondent is to provide full and proper accounts of the Estate to the Applicant. The Respondent is to immediately attend to the distribution of the Estate.

Court Orders

- (a) The Respondent, as Administratrix of the Estate of Lachmi Nair also known as Latchmi Nair also known as Lakshmi Nair, immediately transfer to the Applicant her shares in the respective properties.
- (b) The Respondent is restrained from dealing with the properties of the Estate in any manner whatsoever.
- (c) The Respondent is to provide full and proper accounts of the Estate to the Applicant.
- (d) The Respondent is to immediately attend to the distribution of the Estate.

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Chaitanya S C A Lakshman

Puisne Judge

25th July 2025

