

**IN THE SUPREME COURT
OF THE REPUBLIC OF VANUATU**
(Probate Division)

Probate
Case No. 19/1559 SC/PRBT

IN THE ESTATE OF : David Hango and Lilian Hango

Deceased

BY: Samson Hango

Applicant

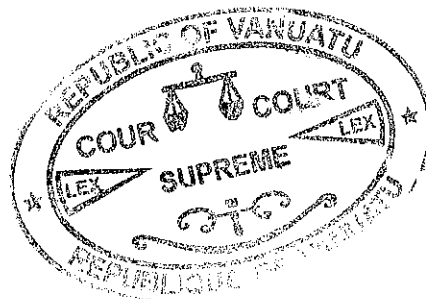
AND: Veronique Billy

Respondent

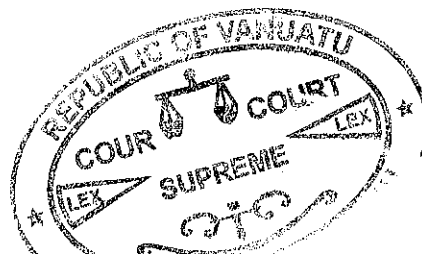
Date of Hearing: 17th March 2021
Date of Decision 26th March 2021
Before: Justice Oliver Saksak
In Attendance: Mr Eric Molbaleh for the Applicant
Mr Stephen Tari Joel for Respondent (Absent)

DECISION

1. On 21st October 2020 the Court held there was and is no application (as amended) before the Court seeking orders for the revocation of the Letters of Administration issued in favour of the respondent on 21st October 2010.
2. That is still the position therefore the Court cannot revoke the letters of administration dated 21st October 2010 at this point.
3. Court orders and direction must be adhered to or complied with. If they aren't there must be good reasons or cause for not doing so. The applicant has not shown good cause why the previous orders of the Deputy Master requiring the filing of an amended application was not done.



4. That leaves only the remaining and only application. This is the application filed on 2nd November 2020 for the respondent to file inventory and accounts.
5. There are clearly complaints by the other siblings and beneficiaries of the estates of the deceaseds that since the grant of the letters of administration, there has not been proper discharge of the administrator's duties.
6. Those omissions or failures can be sufficient grounds for seeking to revoke letters of administration. But this is not such a case. The applicant is seeking for an order for inventory and accounts.
7. As such the relevant rule is Rule 40 which states-
"(1) Every person to whom probate or administration is granted may and shall if so required by the Registrar file an inventory of the estate of the deceased, and pass his accounts relating thereto within such time and from time to time, in such manner as may be prescribed by the rules or as the Court may order.
(2) The order of the Court allowing any account shall be prima facie evidence of the correctness of the same, and shall after the expiration of three years from the date of such, operate as a release to the person filing the same, except in so far as it is shown by some person interested therein that a wilful or fraudulent error omission or entry has been made in such account."
8. The application made is proper and is hereby accordingly allowed.
9. The orders sought are granted as follows-
 - (a) Within 28 days from the date hereof the respondent shall file an inventory of all assets of the estates and accounts for all moneys collected as rentals, incomes and expenditures from 21st October 2010 to date.
 - (b) The applicant and his brothers and agents or representatives be hereby restrained from threatening or harassing or abusing or causing any obstacles to the respondent from carryout her duties and responsibilities for the purpose of the order in paragraph (a) above.



(c) In the event the respondent does not comply with the order in (a) within the period allowed, the applicant shall be at liberty to file and serve a proper application for the revocation of the Letters of Administration dated 21st October 2010.

10. There shall be no order as to costs. Each party bears their own costs.

11. This case will be returnable on 26th April 2021 at 8:00am for review.

DATD at Port Vila this 26th day of March 2021

BY THE COURT


OLIVER A. SAKSAK

Judge

