

**IN THE HIGH COURT OF FIJI  
AT SUVA  
PROBATE DIVISION**

PROBATE ACTION NO.: HPP 38 of 2018

**IN THE ESTATE of VILITATI  
SILATOLU COKANABOGI  
QUMIVUTIA aka VILITATI S.  
QUMIVUTIA of 7 George Place, off  
Milverton Road, Suva, Fiji, Deceased,  
Intestate.**

**BETWEEN : ANASEINI LIKUBULIKELA QUMIVUTIA**

**PLAINTIFF**

**AND : RATU JAMES MELI VAKABUA QUMIVUTIA**

**DEFENDANT**

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**APPEARANCES/REPRESENTATION**

**PLAINTIFF : Ms S Nayacalevu [Shekinah Law]**

**DEFENDANT : Not Present [Not Represented]**

**RULING OF : Acting Master Ms Vandhana Lal**

**DELIVERED ON : 21 January 2019**

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**JUDGMENT**

[Leave for Grant to Administer Estate]

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1. The Applicant Anaseini Likubulileka Qumivutia aka Anaseini Likubulileka Derenalagi seeks following relief:

*"An Order allowing the Applicant, Anaseini Likubulileka Qumivutia aka Anaseini Likubulileka Qumivutia Derenalagi to file an Application for Letters of Administration in the Estate of VILITATI SILATOLU COKANABOGI QUMIVUTIA aka VILITATI SILATOLU QUMIVUTIA aka VILITATI S. QUMIVUTIA of 7 George Place, Off Milverton Road, Suva, Fiji, Deceased, Intestate, without the Deed of Renunciation of the Respondent, Ratu James Meli Vakabua Waqasavura*

*Qumivutia born on 25<sup>th</sup> June 1959, on the grounds stated in the Affidavit of the Applicant sworn and filed herein”.*

Said application is made pursuant to Section 3 of the Succession, Probate and Administration Act.

2. The Application was served on the Respondent Ratu James Meli Vakabua Waqasavura Qumivutia by way of an advertisement.
3. Despite service the Respondent has failed to acknowledge service, enter an appearance or appear in Court for the hearing.
4. The Applicant is applying to be appointed as the Administrator for the Estate of Vilitati Silatolu Cokanabogi Qumivutia aka Vilitati Silatolu Qumivutia aka Vilitati S. Qumivutia.
5. The deceased was married to Adi Mereoni Waqavura Maicakau, is also a deceased.
6. The Applicant is the lawful daughter of the deceased.

Other issues of the deceased as outlined in the Death Certificate are:

- i. *Ratu James Meli Vakabua Waqasavura Qumivutia – 25.06.1959 [Male] [Living].*
  - ii. *Steven Peniasi Dobui Qumivutia - 28.04.1965 [Male] [Living].*
  - iii. *Anaseini Likubulileka Qumivutia -16.07.1966 [Female] [Living].*
  - iv. *Albert Turusi Alipate Vakadewavosa - 15.09.1967 [Male] [Deceased].*
  - v. *Talei Mary Maicakau – 24.11.1975 [Female] [Living].*
7. Steven and Talei have agreed for the Applicant to take on the responsibility of administering the deceased Estate, whilst Albert is deceased.
  8. The Applicant tried to locate Ratu James to sign a Deed of Renunciation who according to the Applicant left Fiji and has not provided his location given the complication he had faced with his visa.
  9. The Applicant wishes to push forward with the administration of the deceased’s Estate to ensure matters are attended to.
  10. Section 7 of the Succession, Probate and Administration Amendment Act 6 of 2018 reads:  
*“The Court may grant administration of the estate of a person dying intestate to the following persons (separately or conjointly being not less than 18 years of age”.*
    - a) *Wife or husband or details partner of the deceased; or*

- b) *If there is no wife, husband or de-facto partner, to one or more of the next of kin in order of priority of entitlement under this Act in the distribution of the Estate of the deceased; or*
- c) .....

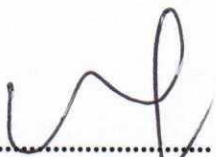
- 11. The deceased passed away in September 2017 and has since his Estate unadministered.
- 12. His wife is now deceased along with one of the issues.

Out of the three (3) living issue (apart from the Applicant) two (2) have renounced their right to a grant.

Despite serve the Respondent has not made any application to contest the application.

- 13. In order to ensure the deceased's Estate is fully administered and assets are distributed rightfully to the beneficiaries I make an order granting the Applicant leave to make an application for a grant of Letter of Administration for the Estate of Vilitati Silatolu Cokanabogi Qumivutia.



  
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**Vandhana Lal [Ms]**  
Acting Master  
At Suva.