

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

ACTION NO.: HPP 74 of 2018

**IN THE MATTER OF ZAID BUKSH**

late of 73 Kaikai Street, Nepani, Nasinu,  
Sales Manager, Deceased, Intestate.

**AND**

**IN THE MATTER** of an application by  
**ANSHU PRAVEEN CHAND** pursuant to  
Section 3 (1), 4, 5, 6, 7, 8, 9 and 10 of the  
Succession, Probate and Administration  
(Amendment) Act 6 of 2018.

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**APPEARANCES/REPRESENTATION**

**PLAINTIFF** : Mr Vama [Vama Law]  
**DEFENDANT** : Ex-parte  
**JUDGMENT OF** : Acting Master Ms Vandhana Lal  
**DELIVERED ON** : 21st January 2019

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**JUDGMENT**

[An Application for Leave to Apply for Letters of Administration]

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1. The Applicant Anshu Praveen Chand has made an ex-parte application seeking orders that she be entitled to apply for Letters of Administration for the Estate of Zaid Buksh on the basis that she is the surviving de-facto wife of Zaid Buksh.

Said Application is made pursuant to Order 8 of the High Court Rules and Section 3 (1), 4, 5, 6, 7, 8, 9 and 10 of the Succession, Probate and Administration (Amendment) Act 6 of 2018.

2. According to Ms Chand, the Deceased Zaid Buksh resided with her for last 17 years however they could not get married due to their religious differences. The Deceased being a Muslim and she a Hindu.

Further the family of the deceased never approved of their relationship and there was significant age gap between them. The Deceased was 35 years old and Anshu 19 when they first met.

During their relationship, they had purchased a property together in Lot 73 Kaikai Street, Nepani, Nasinu.

As per the Housing Authority sub-lease the property was transferred to Zaid Buksh and Anshu Praveena Chand on or about 14 February, 2017.

They both jointly paid for the electricity and water bills on the property over the years.

Ms Chand had previously made an application to the Court under section 35 of the Fiji National Provident Fund Act to be entitled as a beneficiary to the deceased funds held in Fiji National Provident Fund and was granted an order by the Court.

In April 2013, she had also applied for a grant of letters of administration, however the application was refused as de-facto relationship was not then recognised under the Succession, Probate and Administration Act.

Since the amendment to the Act, she has decided to re-apply for Letters of Administration.

3. Whilst deciding on the matter I had asked for a check done with the Probate Registry to see if any grant was applied for the Estate of the deceased.
4. These are two applications filed with the Probate Division:
  - i. Probate file number 54384 by Mahmood Buksh. He applied for a grant on 17 September 2013. However none was granted as a caveat was lodged on 27 February 2012 by Anshu Praveena Chand caveat was last renewed on 17 September 2018;  
I note from the file that Mr Buksh has not moved the Court to have Caveat removed or sought any other Court Orders.
  - ii. Probate file number 62676 where Anshu Praveen Chand applied for a grant on 29 August 2018. The same was not processed as there was already an application pending vide Letters of Administration No. 54384.
5. I further note that the Applicant has not caused a "Citation to accept or refuse a grant" to be issued and served on Mahmood Buksh.
6. As such this is a premature application and ought to be dismissed.
7. Directives are for the Applicant to have citation issued with a Supporting Affidavit and served on Mahmood Buksh. Applicant is to thereafter file Affidavit of Service for the same.

8. Applicant can thereafter make necessary application to the Court for leave to issue a grant.



A handwritten signature in black ink, appearing to be "Vandhana Lal".

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