

IN THE ESTATE OF: THEUIL ALAIN

Deceased

AND: GALIBERT ARIANE

Applicant

AND: NOELLA SALE

Respondent

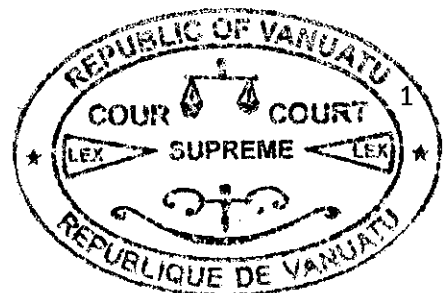
Coram: *Mr. Justice Oliver A. Saksak*

Counsel: *Mr. Junior Garae for the Applicant*
Mr. Lent Tevi for the Respondent

Date: *25th June 2014*

JUDGMENT

1. The Appellant applied for administration of the estate of the deceased as his defacto wife for some 38 years.
2. The sworn value of the estate which comprises of a leasehold title 03/OH71/036 is stated to be VT4,831,000.
3. Noella Sale, the Respondent filed a response on 1st August 2013 not opposing the grant of administration to the Application but to have her son Ronald Theuil included as a beneficiary of the deceased estate.
4. At the hearing today Mr. Tevi confirms his clients position. The fear arises from the sworn statement of the Applicant dated 5th May 2013 paragraph 2 that it is unclear as to whether Ronald Theuil is included. Further, there is fear that the Applicant may abuse the grant to become the beneficiary herself instead of the children, in view of paragraph 6 of her statement that reads:-




"The person entitled to the deceased's property is Galibert Ariane."

5. Ronald Theuil is registered in the Civil Register as the son of Alain Theuil, the deceased. As such he is entitled to be included with the Applicant's son, Sacha Theuil and daughter Linda as a beneficiary of his estate. Accordingly I order that Ronald Theuil be included as a beneficiary with Sacha and Linda to their father's estate.
6. That being the position, the Court grants administration of the deceased's estate to the Applicant, Galibert Ariane.
7. The Court must remind the Applicant that her duty is as administratrix and nothing else, and she is expected and obliged to perform that duty in accordance with law. At no point must she take advantage of this grant of administration to be the sole beneficiary of the deceased's property. She has a duty to distribute the estate equally between all the beneficiaries and this includes Ronald Theuil.
8. The Court is aware there is a further response by Nicholson Massing filed on 15th May 2014. Both Mr. Garae and Mr. Tevi deny having any service of this response. Therefore, Counsel are unable to respond to it in any way.
9. The Court rejects this response. It is late. Further, the Respondent Nicholson Massing is not entitled to the grant of administration of the deceased's estate. At best he is only a creditor. He is always at liberty to put forward his claims to the administratrix under this grant to consider and settle.
10. That is the judgment of the Court. A separate order for the grant of administration to the Applicant will issue as of today's date.

DATED at Luganville this 25th day of June 2014.

BY THE COURT


OLIVER A. SAKSA
Judge

