REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

IN THE MATTER OF THE WILLS AND PROBATE ACT CHAPTER 9:03

Claim No. CV 2025-01250

BETWEEN

VASHTIE DA COSTA

Claimant

AND

VANDANA RAMADHAR

Defendant

Before the Honourable Madame Justice Karen Reid

Date of Delivery: 4 February, 2026

Appearances

Claimant: Thais Lee Kim

Defendant: Saira Lakhan and Prakash Ramadhar instructed by Kristian Stacy Dass

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DECISION ON THE CLAIMANT'S NOTICE OF APPLICATION

BACKGROUND

1. On 14 May, 2025, the Claimant filed this present Notice of Application and Affidavit in Support seeking a stay of this Court's Order dated 17 April, 2025[1] made in proceedings **CV2025-01240 In the Matter of An Application By Vandana Meena Vali Ramadhar To Be Appointed Ad Colligenda Bona Of The Estate Of Primchan Rambeharry, Deceased** ("the Deceased"). The Claimant also sought further orders compelling the Defendant to disclose all steps taken in relation to the estate of the Deceased, all monies and or assets received and/or holding/belonging to the estate of the Deceased and for costs of the application.

2. The present application for a stay was filed after the Claimant instituted these proceedings on 23 April, 2025 seeking to compel the Defendant to produce an alleged Last Will and Testament of the Deceased, which the Claimant claimed the Defendant wrongfully removed from the Deceased's safe. The Claimant subsequently amended her pleadings on 29 April, 2025 to include an order setting aside the order in CV2025-01240, an order giving the Claimant a grant Ad Colligenda Bona of the

[1] The Order dated 17 April, 2025 in CV2025-01240 was in the following terms:

> "1. The Claimant VANDANA MEENAVALI RAMADHAR is appointed Administratrix Ad Litem of the Estate of PRIMCHAN RAMBEHARRY, who died on the 22nd March, 2025 ("the Deceased"), for the purpose of:
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> a. Instituting legal proceedings in trespass on behalf of the Estate of the Deceased in relation to the lands belonging to the Estate of the Deceased more particularly described in Deeds registered as No. DE2014028558636, No. 7821 of 1994, No. 9236 of 1993, No. 4541 of 1985, No. 9110 of 2000, No. DE201500000159, No. DE202202358650 and No. DE201800307859, and
> b. Instituting legal proceedings to collect debts owed to the Estate of the Deceased, including rent arrears owed by the tenants of various properties belonging to the Estate of the Deceased.
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> 2. The Claimant VANDANA MEENAVALI RAMADHAR is also granted a limited grant Ad Colligenda Bona pursuant to section 37 of the Wills and Probate Act, Chap. 9:03 for the purpose of collecting and preserving the Deceased's estate, including the power to take possession of and to manage the Deceased's business assets, bank accounts and properties, so as to preserve the Deceased's Estate from spoilage, waste, extinction and/or termination, such grant to be limited until a Grant of Letters of Administration is obtained in respect of the Deceased's Estate.
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> 3. There be no order as to costs.
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> 4. Liberty to apply."

Deceased's estate, a stay of execution of the order in CV2025-01240 and an injunction restraining the Defendant from acting pursuant to the order in CV2025-01240. The Claimant further re-amended her Statement of Case on 26 January, 2026.

3. In her affidavit in support of her application, the Claimant deposed that she is one of the siblings of the Deceased and she resides in Ontario, Canada. She averred that the Defendant misrepresented to the Court that the Deceased died intestate. She stated that she was informed by the Deceased that he executed his Last Will and Testament (the "Will") appointing her as his sole executrix and as one of the beneficiaries of his estate, and that the Deceased informed her that his Will, along with foreign and local currency, deeds for properties owned by him and other personal items were placed in his personal safe, to which the Deceased gave her the combination code.

4. She further deposed that she was informed by one Zhenhao Wei that the Defendant accompanied by her servants and or agents entered into the Deceased's premises at No. 69 Freeport Mission Road, Freeport and removed several boxes of documents on 24 April, 2025. She alleged that the Defendant broke into the Deceased's bedroom and into his safe and annexed video footage purporting this to be the case.

5. Through her attorney, the Claimant enquired from the Deceased's former attorney, Mr. Haresh Ramnath, whether the Deceased prepared a Will and Mr. Ramnath informed her that he did not prepare or execute a Will for the Deceased, but that the Deceased was capable of drafting documents and that there were other attorneys the Deceased engaged to do legal work for him. The Claimant also alleged that the Defendant attempted to mislead the Court by stating that the Deceased died intestate when Mr. Ramnath was unable to deny whether or not the Deceased had died with a will. She claimed that her

attorney contacted the Deceased's other attorneys on her behalf to enquire about the Will and she is still awaiting responses.

6. The Claimant alleged that she was informed by one Phyllis Narine that the Deceased has been in a common law relationship with the said Phyllis Narine since 1997 and that the said Phyllis Narine also informed her that the Deceased had separated from Lydia Ramadhar, the Defendant's mother, in 1996 and they never reconciled.

7. She further deposed that the Deceased died leaving two biological children: the Defendant born on 26 May, 1996 and one Atma Lincoln Prayman born on 11 June 2009, a son he had with one Navita Prayman. The Claimant alleged that the Deceased was deemed the biological father of Atma Prayman in previous court proceedings.

8. The Claimant stated that she was informed that the Defendant knew she had a sibling based on WhatsApp conversations between Phyllis Narine and the Defendant and the Claimant annexed the said WhatsApp messages to her affidavit as supporting evidence. She claimed to believe that the Defendant knew the Deceased had another child and failed to disclose and/or intentionally withheld this information from the Court. The Claimant stated that the Defendant had sought no permission from a representative of Atma Prayman to represent the Deceased's estate to date.

9. The Claimant indicated that the Deceased had several ongoing legal matters which urgently required a representative to be substituted on behalf of his estate and that the Defendant threatens to prevent the administration the Deceased's estate in accordance with his wishes. She further deposed that the Defendant has begun collecting rent due and owing to the Deceased's estate from the tenants at Vivo restaurant

and bar and Shopkins Supermarket, which are tenants of the Deceased; and that the Defendant threatened to evict the Deceased's tenants.

10. The Claimant claimed that she is fearful that the Defendant will waste the estate and/or fail to account for the rent monies and/or other monies if she is allowed to continue to act and she believes that the Defendant is incapable and or will not represent the Deceased's estate truthfully or have the best interest of the estate. She averred that the Defendant has an adverse interest to the estate having broken into the Deceased's residence, causing property damage thereto and taking various documents from the Deceased's residence, which included the alleged Will.

The Defendant's Affidavit in Response

11. By way of an Affidavit in Reply filed on 30 June, 2025, the Defendant contended that the Deceased was her father and that she perused his documents after his death. She deposed that she did not find a Will or a copy thereof and therefore believed that the Deceased died intestate. She had conversations with Mr. Haresh Ramnath, who had been the Deceased's attorney for over 30 years, which solidified her belief that the Deceased died without leaving a will. She made checks at the Probate Registry for any will of the Deceased, but there was none. She also believes the Claimant is aware that the Deceased died intestate.

12. The Defendant averred that prior to the Deceased's passing, he entrusted her solely with his financial arrangements. For the period of October 2024 to February 2025, the Deceased authorised the Defendant to collect his rental income, to pay his expenses and to manage his affairs.

13. The Defendant deposed that in early March 2025, she was out of the jurisdiction and during that time the Deceased became unwell, which she learnt after her return. One of the Deceased's tenants informed her that they received a text message on 15 March, 2025 from the Deceased's mobile phone directing them to pay rent to her aunt, Fareeda Rambeharry. At that time, the Deceased was medically assessed as being in a semi-comatose state, was drowsy from medication administered to him and was resting. She stated that she formed the view that the Claimant was fraudulently using the Deceased's phone and was communicating with third parties whilst he was physically and mentally unable to do so. Further, the Defendant deposed that her father had distanced himself from Phyllis Narine, who was a friend of the Claimant.

14. On 23 March, 2025, she went to the Deceased's residence accompanied by her aunt, Fareeda Rambeharry. She undertook a brief search in the open area for the Deceased's birth certificate, which was required for the funeral service. However, it was not located.

15. The Defendant deposed that the Deceased's safe only worked with a key and there was no Will in the safe.

16. The Defendant indicated that Zhenhao Wei, who was known to her as an employee of Shopkins Supermarket, told her that the Claimant came to the Supermarket with a USB drive, requested to copy, and copied, all of the footage of the last days. The Defendant alleged that the Claimant failed to make full and frank disclosure of video footage which is materially relevant to the determination of the claim, and the selective video excerpt exhibited does not substantiate any aspect of her claim.

17. On 24 March, 2025, the Defendant collected some of the Deceased's possessions and important documents with the consent and knowledge of her mother, Lidia Ramadhar who is the lawful wife and the other beneficiary of the Deceased's estate. These documents included: loan agreements; deeds; medical records; photographs of the Deceased; financial documents; agreements; birth certificates of the Deceased, his mother and the Defendant; and the marriage certificate of the Deceased and Lidia Ramadhar.

18. The Defendant averred that the Deceased's premises were not secure and were unoccupied at this time. To secure and preserve the Deceased's belongings, a contractor was hired to facilitate access to the bedroom as the lock on the door appeared damaged and it was unable to function with the key. She said she preserved documents located in the Deceased's bedroom with the knowledge and consent of her mother.

19. The Defendant further stated that a locksmith was hired with the knowledge and consent of her mother to access the safe, without causing damage thereto. The contractor thereafter undertook restorative works to the wall to secure the premises as best as possible.

20. The Defendant further denied that the Deceased was in a common law relationship with Phyllis Narine, nor did Ms. Narine live with him. She contended that the Claimant did not produce any substantial evidence showing that Phyllis Narine was the Deceased's common law wife for 28 years, as alleged.

21. She deposed that after the Deceased's passing, she made enquiries at the Registrar General's Department, Ministry of the Attorney General and Legal Affairs for all birth certificates on which the Deceased was named as the father. She was informed and believed to be true that

her birth certificate was the sole birth certificate on which the Deceased was named as the father. To her mind, this confirmed that at the time of his death, that she was the Deceased's sole child.

22. She further stated that the Claimant's Exhibit marked "V.D.4" (as to the family proceedings between the Deceased and Navita Prayman) does not contain an order for paternity and it appears to again be part of the selective disclosure the Claimant continues to make in the matter herein. The birth certificate of Atma Prayman disclosed in those proceedings also does not bear the Deceased's name and the purported child is not a party to the present claim.

23. She deposed that after the Deceased was shot, she received calls from numerous persons who made numerous allegations, including that the Deceased had a son and it was on that basis, she formed the preliminary view at that time that she had a brother and sent the WhatsApp message attached as "V.D.5" to the Claimant's affidavit. She also denied any legal duty and obligation to seek permission from any person purporting to be Atma Prayman to represent the Deceased's estate.

24. She denied threatening to evict any tenants and contended that she is lawfully entitled to collect the rents on behalf of the estate based on the Court's Order dated 17 April, 2025 and she is aware of her duty to account for the same to the lawful beneficiaries of the Deceased's estate.

25. She deposed that the Claimant lacks legal standing as next of kin to be appointed as administrator of the Deceased's estate. The Claimant is a sibling, not a child or spouse, and thus has inferior standing under the Wills and Probate Act.

26. The Defendant alleged that there is a real risk of harm to the Deceased's estate should the Order in CV2025-01240 be stayed. The Defendant argued that the Claimant's interests were adverse to the proper administration of the Deceased's estate and that the Claimant cannot be lawfully appointed to manage the Deceased's estate as she resides out of the jurisdiction and, to the best of the Defendant's knowledge, is a citizen of Canada having migrated there more than thirty (30) years ago.

The Submissions

27. The parties were directed to file submissions on the issues. The Claimant filed submissions on 31 July, 2025 and the Defendant filed submissions on 12 September, 2025. The Claimant thereafter filed submissions in reply on 25 September, 2025.

LAW AND DISCUSSION

28. Before I delve into the argument of the parties, it is important to describe the Order in CV2025-01240. In those proceedings, the Defendant sought an order appointing her Administratrix Ad Litem of the Deceased's estate for the limited purpose of allowing the Defendant to bring proceedings on behalf of the Deceased's estate to prevent trespass to the properties belonging to the estate and to collect rents and outstanding debts owing to the Deceased's estate.[2]

[2] As to limited grants, **section 25** of the **Wills and Probate Act Chap. 9:03** provides as follows:

> *25. "Where any person shall die intestate or without having appointed any executor, or shall have appointed an executor but such appointment shall fail, or the executor named by the Will shall be under the age of twenty-one years, or shall be absent from Trinidad and Tobago and shall not have proved the Will, or where any person shall die out of Trinidad and Tobago but leaving any estate within Trinidad and Tobago; administration in respect of such estate shall be granted to the person entitled thereto: Provided that if, by reason of the insolvency of the estate of the deceased or of any other special circumstances, it appears to the Court to be necessary or expedient to appoint as administrator some person other than the person who, but for this provision, would by law have been entitled to the grant of administration, the Court may in its discretion, notwithstanding anything in this Act, appoint as*

The Defendant was also given a grant Ad Colligenda Bona[3] of the Deceased's estate, which is similarly a limited grant enabling the Defendant to take steps to protect the Deceased's estate from waste and spoilage. It is not a general grant of administration. It does not allow the Defendant to distribute the estate. Further, having regard to the number of assets belonging to the Deceased's estate and the litigation surrounding some of them, a limited grant was required to protect the interests and property of the estate until a general grant is

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administrator such person as it thinks expedient, and any administration granted under this provision may be limited in any way the Court thinks fit."

Further, in **Leo Abraham, The Commissioner of Prisons and Anor v Doll Basdeo[2],** the Court at paragraph 31 noted that:

> *"31. Harris, J. in his judgment referred correctly to the law relating to a grant ad litem in the following terms:*
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> > *10. "Administration may be granted limited to an action with a view to beginning or carrying on proceedings whether on behalf of the estate or against it. "If there is no personal representative of the deceased and it is necessary for the estate to be represented in legal proceedings, a grant of administration limited to an action (ad litem) may be made. Such a grant is limited to bringing, defending or being a party to particular legal proceedings".*
> >
> > *11. Where it is necessary for the Personal Representative of a deceased person to be made a party to legal proceedings (e.g.: a claim by or against the estate of the deceased), but the executors or other persons entitled to obtain a grant will not constitute themselves as personal representatives, a grant limited to bringing, defending or being a party to the claim or proceedings in question may be made to a nominee limited to bringing, defending or being a party to the claim or proceedings in question. The grant will in no case be a general grant…"*

[3] As to grants Ad Colligenda Bona, Harris J in **Doll Basdeo v Leo Abraham HCA No S-109 of 2003** noted the following at paragraph 12 of the judgment:

> *"A Grant Ad Colligenda Bona is made to any suitable person for the purpose of preserving the assets of the estate until a general grant is made. Such a grant is useful in cases where urgent action is needed and the person entitled to a general grant cannot apply for it. It is usually limited to the purpose of collecting, getting in and receiving the estate and doing acts necessary for its preservation. A Grant Ad Colligenda Bona may specifically confer any wider power needed by the administrator. It is clear from the foregoing that this Grant does not confer the authority to institute the legal proceedings on behalf of the deceased's estate. (Halsbury's Laws of England Vol. 103 (2010) Para. 815). A Grant Ad Colligenda Bona is a grant made for preserving the property within the estate and is generally limited for the purpose of collecting, getting in and receiving the estate. Grants limited to making or defending claims (Grants ad Litem) therefore serve a different purpose."*

obtained. There must also be a representative able to continue litigation and there must be a representative able to collect rents and carry out the duties of landlord of the Deceased's properties until such time as a general grant is obtained and the property of the estate is distributed.

29. The making of the order in those proceedings, brought those proceedings to an end. The order was entered and perfected and, as it relates to those proceedings, the Court is functus.

Issue 1: Can a stay of execution of this Court's Order dated 17 April, 2025 in CV2025-01240 be granted in these proceedings.

30. The Claimant has produced no authority to support her contention that this Court is empowered to stay the final order made in the earlier concluded proceedings otherwise than in the context of an appeal therefrom. In my view, the Claimant's application in this regard is misconceived. The Claimant argued that the Court had wide powers of case management under rule 26.1(f) of the Civil Proceedings Rules 1998, as amended ("CPR") which allowed the Court to stay the whole or part of any proceedings generally or until a specified date or event. However, this argument misses the fact that the Court's powers of case management relate to its management of the active or pending cases that are before it and does not, and cannot in my view, be employed to in relation to concluded cases it had previously dealt with.

31. For a stay of execution to be considered in relation to a final order made in concluded proceedings, this can only arise, in my view, in the context of an appeal therefrom in accordance with Part 64 of the CPR and upon the principles derived from the case law relative to the grant of stays of execution. Indeed, all of the cases cited by the Claimant

concerned the issue of a stay of execution in the context of an appeal with a central pillar of the test for the grant of the same being whether or not the appellant had a good prospect of success on the appeal. This is not a case involving an appeal from the order in CV2025-01240. In the circumstances, there is no basis upon which the jurisdiction under Part 64 relative to stays of execution can be invoked.

32. This is, in my view, sufficient to dispose of the application.

33. Before I move on, however, I will make the following observations since much of the submissions of the Claimant concerned the issue of whether or not the order in CV2025-01240 should be set aside. Generally, it is both settled and uncontroversial that a judge has no general or inherent power to set aside his own order or that of a judge exercising co-ordinate or concurrent jurisdiction. Once the claim is concluded, the judge's jurisdiction came to an end and the judge could not validly proceed to discharge an order made by him even though its making may have been a wrong exercise of his jurisdiction.[4]

34. However, as it relates to grants of representation, the law provides that any grant of representation, whether general or limited, can be revoked and a new grant made in favour of another party entitled to the same.[5] Indeed, as in **CV2015-00257 Mendez et al v Constantine**, another person entitled to make an application for a grant of representation may bring subsequent proceedings to have the earlier grant revoked on the basis of misrepresentation and non-disclosure. However, such an application can only be made, in my view, by a person entitled to do so.

[4] At paragraphs 33 and 34 of the judgment in **Civ. App No 91 of 2015 Liberty Development Company Ltd v Official Receiver**.

[5] As per section 29 of the Wills and Probate Act, Chap. 9:03.

35. On an intestacy, the persons entitled to apply for a grant of representation are the persons entitled to the estate of the Deceased[6] with the order of priority being the surviving spouse then the next of kin.[7] The Claimant does not belong to either category of persons. She would only be able to make such an application if she is able to prove the existence of a Will made by the Deceased in which she is either named as an executor or a beneficiary. In the circumstances, it is only after the matters raised in her present claim have been determined and only after a determination is made proving the existence of the alleged Will of the Deceased naming the Claimant as an executor or beneficiary, can the Claimant have the standing to mount a challenge to the limited grant obtained by the Defendant. In the absence of this, the Claimant will have no standing as she will have no entitlement to

[6] As per section 25 of the Wills and Probate Act, Chap. 9:03.
[7] As per section 30 of the Wills and Probate Act, Chap. 9:03.

As to "next of kin", this means the persons entitled on an intestacy under the provisions of the Administration of Estates Act, Chap. 9:01, which sets out at sections 24 and 25 as follows:

> *"24. (1) Where an intestate dies leaving a surviving spouse but no issue, his estate shall be distributed to or held on trust for the surviving spouse absolutely.*
> *(2) where an intestate dies leaving issue, but no spouse, his estate shall be distributed per stirpes among the issue.*
> *(3) Where an intestate dies leaving a spouse and one child, the surviving spouse shall take one-half of the estate absolutely and the other half shall be distributed to or held on trust for the child.*
> *(4) Where the intestate dies leaving a spouse and more than one child, the surviving spouse shall take one-half the estate absolutely and the remaining one-half shall be distributed to or held on trust for the children.*
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> *25. (1) Notwithstanding section 24, where an intestate dies leaving no surviving spouse, but dies leaving a surviving cohabitant, the cohabitant shall be treated for the purposes of this Act as if he or she were a surviving spouse of the intestate.*
> *(2) Notwithstanding section 24, where an intestate dies leaving a spouse and a cohabitant and the intestate and his spouse were at the time of his death living separate and apart from one another, only such part of the estate as was acquired during the period of cohabitation shall be distributed to the cohabitant, subject to the rights of a surviving spouse and any issue of the intestate.*
> *(3) A surviving cohabitant claiming a share of the estate of an intestate under this section shall, within twenty-eight days of the death of the intestate, file with the Registrar of the Supreme Court a notification of interest as the surviving cohabitant and, within three months thereafter or such other time as the Court considers appropriate having regard to all the circumstances, obtain an order from the Court affirming the cohabitational relationship with the intestate and stating the quantum of the share of the estate to which the cohabitant is entitled."*

any part of the Deceased's estate on an intestacy in the circumstances of the present case.

36. Finally, as to the matters the Claimant alleges in her affidavit, which are heavily disputed by the Defendant, who in turn made a number of allegations against the Claimant, those require the making of findings of fact, which can only be done after all the evidence has been led and all the material witness are cross-examined at trial. It would be wholly inappropriate in the circumstances of this case, in my view, to make findings of fact that really go to the crux of the matters that are in dispute in these proceedings by way of diametrically opposed affidavit evidence filed in relation to an application for interim relief, which application has itself been determined to be misconceived.

Issue 2: Disclosure order

37. On the application, the Claimant also sought an order that the Defendant disclose all steps taken in relation to the estate of the Deceased, all monies or assets received and/or being held by the Defendant.

38. The Claimant made no arguments in relation to this aspect of the Order and it is difficult to ascertain upon what basis such relief can be granted where the Claimant has yet to prove that she has any interest or entitlement to any part of the Deceased's estate.

DISPOSITION

39. In light of the foregoing therefore, this Court orders as follows:
    (1) The application filed by the Claimant on 14 May, 2025 is dismissed.

(2) The Claimant shall pay to the Defendant the costs of the application to be assessed by a Master in default of agreement.

Karen Reid

Judge