

LHAG INSIGHTS SUCCESSION, TRUSTS, ESTATE PLANNING & PRIVATE WEALTH

14 JULY 2026

ADMINISTRATOR *PENDENTE* *LITE*: PRESERVING AN ESTATE PENDING PROBATE ACTION

by Medha Ong Ann Ting

Where the validity of a will or a person's right to administer an estate is challenged, the estate can be left in a state of uncertainty pending resolution of the dispute. In such circumstances, the appointment of an Administrator Pendente Lite ("**APL**"), literally, an "*administrator pending litigation*" is often timely and appropriate.

Role of APL

An APL is a court-appointed officer tasked with administering the estate pending the determination of a probate action. The appointment is interim in nature and is intended solely to preserve and manage the estate in the best interests of the beneficiaries pending the determination of the probate action.¹

[1] *Tebin bin Mostapa (as administrator of the estate of Hj Mostapha bin Asan, deceased) v Hulba-Danyal bin Balia & Anor (as joint administrators of the estate of Balia bin Munir, deceased)* [2020] 4 MLJ 721, FC

KEY LAWYERS

ANDREW CHIEW EAN VOOI
Partner
ac@lh-ag.com



BELLA CHU CHAI YEE
Partner
cy@lh-ag.com



CHNG KENG LUNG
Partner
ckl@lh-ag.com



CHRIS TOH PEI ROO
Partner
tpr@lh-ag.com



MEDHA ONG ANN TING
Partner
oot@lh-ag.com



An APL has the rights and powers of a general administrator, subject to the statutory limitation that he is not empowered to distribute the estate.² An APL may, as a personal representative of the estate:

- (a) sue in respect of any cause of action that survives the deceased;³
- (b) hold the immovable properties of the estate on trust and, with the court's sanction, sell them;⁴ and
- (c) hold movable properties on trust to call in, sell, and convert them into money.⁵

As an officer of the court, the APL may also apply to the court for further directions as necessary in the course of the administration.⁶

Appointing an APL

The appointment of an APL is governed by section 19 of the Probate and Administration Act 1959 (“**PAA 1959**”):

“Pending any probate action, letters of administration may be granted to such person as the Court may appoint, limited so that the administrator shall not be empowered to distribute the estate, and shall be subject to such control by, and direction of, the Court, as the Court deems fit; and subject to that limitation the administrator so appointed shall have all the rights and powers of a general administrator.”

An APL is not appointed as a matter of course. As held by the Court of Appeal in ***Tan Boon Thien & Anor v Tan Poh Lee & Ors (No. 2)***⁷ the court must be satisfied that there are some necessities and some proper object for making the appointment. This threshold is typically met where there are active litigation and real animosity between the parties in connection with the impugned will, or where there is a genuine need to preserve the estate's assets.

Who can be appointed as APL?

In practice, the parties may agree between themselves on a suitable neutral person to be appointed as APL. The appointment itself, however, remains a matter within the Court's discretion.

Ordinarily, a person who is an executor of a disputed will, a beneficiary, a person interested in the assets of the estate, or a litigant in the probate action would not be appointed as APL. This is to ensure that the APL remains neutral and acts impartially pending the resolution of the dispute.⁸

[2] s. 19 PAA 1959

[3] s. 59 PAA 1959

[4] s. 68(1)(a) PAA 1959

[5] s. 68(1)(b) PAA 1959

[6] s. 19 PAA 1959

[7] [2021] 1 CLJ 391, CA

[8] Chan T'shiao Li & Anor v Malcom Fernandez & Anor [2023] MLJU 2660, HC

Remuneration of APL

The remuneration of an APL is governed by Order 72 rule 20 of the Rules of Court 2012. The APL is required to produce at the Registry an account, verified by affidavit, of all monies and property received, paid, or otherwise dealt with in the course of the administration. That account is examined by the Registrar, who may give directions for the taxation of the APL's costs.

Duration of the Appointment of APL

An APL's authority to act for the estate exists only from the date of the grant. In ***Jigarlal Kantilal Doshi v Amanah Raya Bhd***⁹, the Court of Appeal held that a subsequent grant of administration pendente lite cannot retrospectively validate acts done in respect of the estate before the grant was made.

The role of an APL comes to an end where the underlying probate dispute is resolved - whether by the will being proved and a grant of probate being issued, or by the will being set aside and letters of administration granted in its place. In either case, the APL ceases to act, and the estate passes into the hands of the executor or administrator, as the case may be.

Conclusion

The appointment of an APL is an important mechanism for safeguarding an estate while disputes concerning its administration are being resolved. While the appointment is temporary in nature and the APL's powers are necessarily limited, the role of APL is important and serves a critical purpose in ensuring that the estate is properly preserved, managed and protected pending the final determination of the probate action.

*For any enquiries, please contact the author, **Partner Medha Ong** (oat@lh-ag.com), or any member of Lee Hishammuddin Allen & Gledhill's **Succession, Trusts, Estate Planning & Private Wealth (STEP) Practice**, namely **Partners Andrew Chiew Ean Vooi** (ac@lh-ag.com), **Bella Chu Chai Yee** (cy@lh-ag.com), **Chng Keng Lung** (ckl@lh-ag.com), or **Chris Toh Pei Roo** at (tpr@lh-ag.com).*

Head Office

Level 6, Menara 1 Dutamas
Solaris Dutamas
No. 1, Jalan Dutamas 1
50480 Kuala Lumpur
Malaysia
Tel: +603 6208 5888
Fax: +603 6201 0122

Johor Office

Suite 21.01
21st Floor, Public Bank Tower
No.19, Jalan Wong Ah Fook
80000 Johor Bahru, Johor
Tel: +607 278 3833
Fax: +607 278 2833

Penang Office

51-12-E, Menara BHL Bank,
Jalan Sultan Ahmad Shah,
10050 Penang
Tel: +604 299 9668
Fax: +604 299 9628

Email

enquiry@lh-ag.com

Website

www.lh-ag.com

Published by Succession, Trusts, Estate
Planning & Private Wealth Practice ©
Lee Hishammuddin Allen & Gledhill All
rights reserved.

[9] [2014] 6 MLJ 629, CA