



REPUBLIC OF KENYA



**In re Estate of Chebande Alima (Deceased) (Succession Cause
391 of 2010) [2023] KEHC 22908 (KLR) (18 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 22908 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 391 OF 2010
SM MOHOCHI, J
AUGUST 18, 2023**

BETWEEN

ABDALAH MUHAMED A. KASINDE 1ST APPLICANT

MARIAM SALIM 2ND APPLICANT

AND

ANTONY NGETICH SEUREY 1ST RESPONDENT

JOSHUA MZEE KITON 2ND RESPONDENT

RULING

1. Before me is an amended summons dated the 28.1.2016 for review of the orders given by the court on 27.2.2015. The same is brought pursuant to section 47 of the [law of succession act](#) and rules 49, 63 and 73 of the [Probate and Administration Rules](#) seeking the following reliefs;
 - a. This application be certified as urgent and be heard on priority basis in the first instance.
 - b. The court be pleased to review the orders granted on the 27.2.2015 in terms as follows:
 - i. That the confirmed Grant of Letters of Administration in respect of the estate of the late Chebande Alima (deceased) issued on the 12th June 2012 to Antony Seurey and Joshua Mzee Kiton is hereby revoked.
 - ii. The Nakuru County Government be and is hereby ordered to delete the name of Antony Seurey from the records of property title number Nakuru Municipality Block 13/320 and replace it with the name of Mohammed Ali - the 2nd applicant herein.
 - iii. The Nakuru County Government be and is hereby ordered to delete the name of Antony Seurey from the records of property title number Nakuru Municipality Block 13/321 and replace it with the name of Mariam Salim - the 3rd applicant herein.



- iv. and in the event that the 1st applicant herein succeeds in the said case ELC No. 454/2013, then the County Government will delete the names of Antony Seurey from the record of Parcel No. 314 and replace it with the name of Abdalah Mohamed A. Kasinde
 - c. That the Respondents by themselves, their agents, servants, employees or whomsoever are restrained from taking possession of, entering into, selling, leasing out, transferring or in any other way or manner dealing with the properties Nakuru Municipality Block 13/314 pending the hearing and determination of Nakuru High Court ELC No. 454/2013.
2. The application is unopposed notwithstanding the fact that one of the Respondent has been appearing in person. No response was ever filed and no written submissions were offered by the Respondents despite the opportunity.
3. In view of want of opposition and the fact that rule 73 of the *Probate and Administration Rules* was intended to remedy cases such as this, this court allows the application and the orders of this court dated February 27, 2015 are hereby reviewed as hereunder;
 - a. That, the confirmed Grant of Letters of Administration in respect of the estate of the late Chebande Alima (deceased) issued on the 12th June 2012 to Antony Seurey and Joshua Mzee Kition is hereby revoked.
 - b. The Nakuru County Government, County Secretary is hereby ordered to delete the name of Antony Seurey from the records of property title number Nakuru Municipality Block 13/320 and replace it with the name of Mohammed Ali - the 2nd applicant herein.
 - c. The Nakuru County Government, County Secretary is hereby ordered to delete the name of Antony Seurey from the records of property title number Nakuru Municipality Block 13/321 and replace it with the name of Mariam Salim - the 3rd applicant herein.
 - d. and in the event that the 1st applicant herein succeeds in the said case (ELC No. 454/2013), then the Nakuru County Government, County Secretary is hereby ordered, to delete the names of Antony Seurey from the record of Parcel No. 314 and replace it with the name of Abdalah Mohamed A. Kasinde
 - e. The Respondents by themselves, their agents, servants, employees or whomsoever are restrained from taking possession of, entering into, selling, leasing out, transferring or in any other way or manner dealing with the properties Nakuru Municipality Block 13/314 pending the hearing and determination of Nakuru High Court ELC No. 454/2013.

It is so Ordered.

SIGNED, DELIVERED VIRTUALLY ON TEAMS PLATFORM ON THIS 18TH AUGUST 2023

Mohochi S.M

JUDGE

In the presence of: -

Ms Mbugua. Holding Brief for E. Omwenyo, Advocate for the Applicantss

Respondents Appearing in person

