



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Gunhild Gerlinde Oser (Deceased) (Succession Cause
28 of 2013) [2022] KEHC 11668 (KLR) (31 January 2022) (Ruling)**

Neutral citation: [2022] KEHC 11668 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

SUCCESSION CAUSE 28 OF 2013

JN ONYIEGO, J

JANUARY 31, 2022

IN THE MATTER OF THE ESTATE OF GUNHILD GERLINDE OSER (DECEASED)

RULING

1. The deceased herein Gunhild Gerlinder Oser died intestate on 20th January 2013. A grant of letters of administration intestate was made to her children Jeannine Natalie Bohling and Ronny Herbert the only survivors to her estate on 13th August 2013. Before the grant could be confirmed, one Mahila Josephat Said filed a summons dated 25th September 2013 seeking to revoke the grant on grounds that it was fraudulently obtained without material disclosure that he was the deceased's husband and that the deceased had died testate having executed a written will.
2. Upon hearing the said application, the court through its ruling dated 16th of November 2018 dismissed the claim over the existence of the will as there was no proof and that the applicant was not a husband to the deceased. Despite the indication of intention to file an appeal, none was filed at least from the record. Equally, there was no stay of further proceedings. Consequently, the applicants/petitioners applied for confirmation of grant vide chamber summons dated on 28th October 2019 and filed on 29th October 2021.
3. The two applicants averred in their affidavit in support of the application that they are the only beneficiaries to the estate of the deceased and that there were no other dependants. However, they did not specify the share distribution. Having considered the application which is not opposed, I am satisfied that the same is merited and therefore allowed as prayed. The grant herein is confirmed and the estate be shared out equally amongst the two beneficiaries.

**DATED SIGNED AND DELIVERED VIRTUALLY AT MOMBASA THIS 31ST DAY OF
JANUARY 2022.**

J.N. ONYIEGO

JUDGE

