



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

SUCCESSION CAUSE NO. 768 OF 2009

IN THE MATTER OF THE ESTATE OF THE LATE HARVINDER SINGH REHAL (DECEASED)

AND

IN THE MATTER OF AN APPLICATION BY THE DEFENDANTS OF THE ESTATE

AMARDEEP SINGH REHAL BALVINDER SINGH REHAL ..BENEFICIARIES/APPLICANT

VERSUS

KARMJIT KAUR REHALPETITIONER/RESPONDENT

RULING

By my ruling dated 20th September 2021, I held that the Respondent had stopped making remittances in July 2018.

1. The Court had directed the parties to provide supporting documents, which would enable the Court to verify the exact payments which had been made by the Respondent.
2. No such documents have been provided to the Court.
3. Secondly, the Applicant also failed to provide any explanation for the long period of inactivity on his part, during the time when he says that the Respondent was not remitting payments to him.
4. As held in the Ruling dated 20th September 2021, the un-explained failure by the Applicant, to raise issues for the years when he had not received remittances, was more consistent with the Respondent's contention, that she had made large prepayments to the Applicant.
5. Although the Applicant had asserted that he had not received remittances from 2015, the figures which he had provided earlier indicate that he had been paid until August 2017.
6. Accordingly, I now order the Respondent to pay to the Applicant the sum of Kshs 4,000,000/=, which is computed at the rate of Kshs 100,000/= per month from August 2017, until January 2022.
7. Thereafter, the Respondent shall continue to remit Kshs 100,000/= monthly.
8. And in order to avoid any disputes in future, the Respondent should make payments in a verifiable manner, such as by cheque, standing order or Mpesa.
9. Upon receipt of payment, the Applicant must issue a written acknowledgement that he had received such payment, on the specified date.
10. If the Applicant should decline to provide a written acknowledgement, the Respondent will be at liberty to choose a payment system whose verifiability would not be dependent upon the co-operation of the Applicant.

DATED, SIGNED AT DELIVERED AT KISUMU THIS 26TH DAY OF JANUARY, 2022

FRED A. OCHIENG

JUDGE