

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

FAMILY DIVISION

AT MOMBASA DISTRICT REGISTRY

SUCCESSION CAUSE NO 7 OF 2020

IN THE MATTER OF THE ESTATE OF GIAN MARIO CRAVETTO (DECEASED)

SALEEM GHALIA LAWFUL ATTORNEY OF MARIO CRAVETTO.....APPLICANT

RULING

1. Vide a summons dated 28th September 2021, the applicant herein through her duly appointed Attorney has moved this court for confirmation of a resealed grant issued on 10th November 2020. The application is anchored on the ground that, the applicant is the sole beneficiary of the estate of her late father an Italian National who owned part of his property in Kenya. Among the properties listed are seven landed properties situate in Diani/kwale and shares in various companies.

The application is supported by an affidavit sworn on 28th September 2021 by Salee Ghalia holder of the power of Attorney.

2. From the record, I note that I did issue a resealed grant on 10th October 2020. However, further perusal of the attached documentation shows that the estate and the grant sought to be resealed was not gazetted as required under rule 42 of the probate and administration rules. I have also noted that an original copy, duplicate and or copy of the grant duly certified by the issuing court was not attached as required by Section 77 of the law of succession Act and the said rule 42.

3. Although there is evidence that a banker's cheque for gazettelement was issued, there is no proof that such gazettelement was done nor did the principal registrar issue a certificate. In view of the said omission, the grant issued on 10th October 2020 is hereby suspended until the aforesaid conditions are met. For those reasons, the application for confirmation herein is disallowed.

DATED SIGNED DELIVERED VIRTUALLY AT MOMBASA THIS 17TH DAY DECEMBER 2021

J.N.ONYIEGO

JUDGE