



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO 620 of 2010

IN THE MATTER OF THE ESTATE OF ROSHAN LAL KHANNA (DECEASED)

RULING

1. The application dated 4.5.2018 seeks the following orders;

(i) **THAT** the grant of Letters of Administration Intestate (hereinafter the “Grant”) was issued to Sneh Lata Roshan Lal Khanna also known as Sneh Lata Khanna (hereinafter called the “Administrator”) by this Honourable Court on the 13th day of August, 2010.

(ii) **THAT** the said Grant was confirmed before the Honourable Court on the 20th day of June, 2011 however the Administrator died before completing the administration of the Estate of the Deceased, thereby rendering the Grant of Probate and Certificate of Confirmation of Grant useless and inoperable, hence the instant application for revocation of Grant and rectification of the Certificate of Confirmation of Grant.

(iii) **THAT** the proposed administrator and Applicant, **NEERJA LUTHER**, is the only child of the Deceased and a dependent of the Deceased under the Law of Succession Act (hereinafter the “Act”). The Administrator who has passed away was the Deceased’s wife and mother to the proposed administrator/Applicant.

(iv) **THAT** the Applicant as the child of the Deceased is seeking to be appointed as administrator of the Deceased’s estate in accordance with the order of preference provided in Section 66 of the Act.

(v) **THAT** further the Certificate of Confirmation of Grant be rectified and the distribution of the Estate of the Deceased be amended. Currently the Administrator, who was the Deceased’s spouse was entitled to the Deceased’s Estate as the surviving spouse. Following the death of the Deceased, the Applicant/Proposed Administrator, is the sole heir of the Deceased and the Administrator and would therefore be entitled to the Deceased’s estate.

(vi) **THAT** the applicant prays that the Grant of Letters Administration Intestate do issue to **NEERJA LUTHER** for purposes of completing administration of the estate and that the Certificate of Confirmation of Grant be rectified so that the Deceased’s estate be bequeathed to the Applicant as the sole heir to the Deceased’s Estate.

(vii) **THAT** the Costs of the Application be costs in the Cause.

2. The Application is supported by the Affidavit of **NEERJA LUTHER** of even date in which she has deposed as follows;

(i) **THAT** she is a dependant of the deceased **ROSHAN LAL KHANNA** who died on 3.8.2007 and a grant of Letters of Administration Intestate was issued to her mother **SNEH LATA ROSHAN LAL KHANNA** on 13.8.2010

(ii) **THAT** the said grant was confirmed on 20.6.2011 and a copy of grant and Certificate were issued.

(iii) **THAT** the administrator died on 9.12.2016 before completing the administration and distribution of the estate.

(iv) **THAT** the Applicant now seeks estate to be appointed administrator of the Estate of her deceased father for purposes of completing administration.

(v) **THAT** applicant is also seeking for orders that the deceased’s property be bequeathed to her as the sole beneficiary of the deceased’s immovable property and that the Certificate of Confirmation of grant be rectified accordingly.

3. I have perused the Application and also section **66 of Law of Succession Act**. I find that the Applicant is the only child of the administrator and she is also sole beneficiary of the Estate of the deceased.

4. The application is accordingly allowed as prayed with orders as follows;

(i) **THAT** the Applicant be and is hereby appointed as the administrator of the Estate.

(ii) **THAT** the Certificate of Confirmation of Grant be rectified and the distribution of the Estate be amended to indicate that the Applicant is the sole heir and administrator of the Deceased's estate.

DELIVERED, SIGNED AND DATED IN OPEN COURT ON 28TH SEPTEMBER, 2018

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI

IN THE PRESENCE OF:

MISS SEHMI FOR THE APPLICANT

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