

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO.1997 OF 1995

ESTATE OF LALCHAND PUSHRAM GALOT (DECEASED)

MOHAN GALOTAPPLICANT

VERSUS

LALITA DEVI LALCHAND GALOTRESPONDENT

RULING

1. The application coming for consideration is the Notice of Motion dated 18th November 2014. The applicant seeks stay of the hearing of summons for revocation of Grant dated 27th November 2008 pending the hearing and determination of HCCC 55/2012, HCCC 298/2009 and HCCC 430/2014. The application is based on grounds that the grant of letters of administration confirmed by the court on 21st October 1999 identified the assets of the estate of Lalchand Galot which includes 25% share in LR 209/8314, LR 209/7179, LR 12867/6, LR 7022/7 Kiambu, LR 12867/6, LR 128/9-30 and 25% shares in Manchester Outfitters Limited, Manchester Outfitters Suiting's Divisions Limited(now known as Wollen Mills Limited), Mohan Meakin (K) Limited, Galot Industries.
2. That on 3rd October 2009 the court in HCCC 298 of 2009 gave injunctive order specifically restraining the applicant from dealing with properties of Galot Industries Limited namely LR 12867/14,15,16,18,19 and 20 situated in Athi river until the hearing and determination of HCCC298 of 2009. Through the same order the applicant was restrained from dealing in shares in King Woollen Mills Limited until the suit was heard and determined however, despite the stay orders in HCC 298 of 2009 the applicant purported to transfer plots LR 12867/6 & 14 owned by Galot Industries Limited to MG. Park Limited accompany the applicant co-owns with his wife leading to him being charged in criminal case no. 1554 of 2012 and also CMCRC 482 of 284 involving shares in King Wollen Mills Limited and Meankin Kenya Limited. In regards to LR 7022/7 Kiambu which was listed in the grant as part of the Lalchand Galot, the applicant filed a suit of claim in HCCC 2247/07 and the court issued directions on 12th February 2013 to the effect that the matter be stayed to await hearing and determination of HCCC 55/12. That the application for revocation of Grant is intertwined with cases and restriction orders have been issued in HCCC 55/12, HCC 298/2009, HCC 2247/07 and HCC 430/12 as to make it impossible to deal with the assets in the grant without infringing on aspects of the orders in the said case. That Galot industries is inseparable from Manchester Outfitters Limited as it is the majority shareholder in Machester Outfitters Limited. That the said Grant involves shares in Manchester Outfitters Limited, Galot Industries Limited, King woollen Mills Limited issues of which are in the domain of HCC 55/12, HCC 298/09, HCC 430/12. That the court issued restraining orders in HCC 430/12 on 10th July 2012.
3. In opposition to the said application, the respondent filed a replying affidavit sworn by Mohan Galot on 9th March 2015. He challenges the supporting affidavit for stay application on grounds that the same was signed by an advocate and not the applicant and urges the court to strike it out. He blames Mr. Pravin for attempting to muddle up the succession proceedings as Lalita Devi Lalchand Galot does not stay to gain anything from the stay orders sought and urge the court to summon her to verify if she authorised the said application. He points out that the affidavit sworn by Roger Sagana are false as he is not an administrator or beneficiary of the estate of Lalchand

Prusham Galot and that the confirmation of the Grant was done irregularly as it only come to his attention when Mr. Parvin started using the same in other courts adding that there was no limitation to a matter that has already been started. He avers that the averment that the temporary order dated 3/10/2009 lapsed on 3/10/2011 since the same was extended. He refutes that HCC 55 of 2012, HCC298/2009, HCCELC 2247 of 2007 are intertwined, adding that the succession cause is dealing with distribution of the estate of Lalchand Pushram Galot, while HCC 55 of 2012 is dealing with the issue of shareholding and directorship in Manchester Outfitters Limited, HCC 430 of 2012 is dealing with theft of companies funds, HCCELC 2247 is dealing with ownership.

4. From the court record there are various cases touching on the assets listed as forming part of the deceased's estate. The applicant via the current application seeks to stay the application for revocation of grant dated 27th November 2008 which the applicant claims was fraudulently confirmed. I refrain to make comments on the said Summons for Revocation as the same is yet to be heard. However, I note that the application the applicant seeks to stay does not in any way interfere in the distribution of the said assets as the court in the said application would only dwell on the issue on whether the said Grant was fraudulently or irregularly granted and confirmed as provide for under Section 76 of the Law of Succession, Cap 160. Though I do note that the findings in HCCC 55 of 2012 on directorship and shareholding will be crucial to these proceedings but at a later stage when this court is faced with the issue of distribution of the assets of the estate, as the same will shed light to directorship of the said companies and percentage held by each director. I find that the current application for stay is premature and dismiss the same. I further order the parties to take a date for the hearing of the summons for revocation to avoid further stalling this old matter. It is so ordered. Costs in the cause.

Dated, signed and delivered this 28th day of September 2015.

R. E. OUGO

JUDGE

In the presence of;

.....**For the Applicant**

.....**For the Respondent**

Ms. Charity

Court Clerk