

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

SUCCESSION CAUSE NO. 2930 OF 2006

IN THE MATTER OF THE ESTATE OF BANT SINGH CHANA – DECEASED

RULING

1. The application dated 15th April 2013 is premised on *Sections 45 and 47* of the Law of Succession Act. It seeks orders directed at Manjit Singh Chana – to prohibit him from interfering and intermeddling with the assets of the estate and to account for all assets and moneys collected from Numatic Engineers Ltd.
2. In the affidavit in support of the application, the applicant complains that the respondent, Manjit Singh Chana, has been interfering with shares in the company due to the estate and also with Nairobi Block 103/195. He is accused of contravening company regulations in making his son a non-director shareholder.
3. The respondent has replied to this application through his affidavit sworn on 21st May 2013. He says that he has never dealt with the applicant's shares in the company. He says that he has also not interfered with the landed property.
4. The application is premised on *Section 45* of the Act. The said provision creates criminal offences for intermeddling. The threshold for proof of intermeddling is very high. Accusations of intermeddling amount to alleging that some person has committed criminal acts. Such accusations must be grounded on concrete and credible evidence.
5. I have carefully gone through the affidavit sworn in support of the application dated 15th April 2013. I find the said application bare and vague. The allegations made therein do not support a case for intermeddling, whether in a civil or criminal matter. It does not state a clear case demonstrating intermeddling.
6. The issues raised regarding Numatic Engineers Ltd are matters that are outside the jurisdiction of this court. If there are issues touching on the shareholding in that company between the parties, the same ought to be resolved at the commercial court, not by the probate court.
7. The application dated 15th April 2013 is misconceived. I hereby dismiss it with costs.

DATED, SIGNED and DELIVERED at NAIROBI this 31st DAY OF January, 2014.

W. MUSYOKA

JUDGE