

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

SUCCESSION CAUSE NO. 2383 OF 2003

IN THE MATTER OF THE ESTATE OF BEATRICE WANJIRU NDEGWA – (DECEASED)

JUDGMENT

1. The Motion dated 29th February 2012 seeks revocation and annulment of the certificate of confirmation of grant issued on 14th June 2011. The application is premised on the grounds that the distribution in the certificate of confirmation of grant was unequal. The applicant avers that he did not participate in the confirmation proceedings as he was out of the reach of his advocates.
2. The respondent has replied to the application by his affidavit sworn on 16th May 2012. He avers that the applicant was at all times aware of what was going on.
3. The matter for determination is cancellation of a certificate of confirmation and not revocation of the grant itself. I proceeded to take oral evidence on the erroneous premise that I was handling an application for revocation of grant.
4. Having studied the material placed before me I find no basis upon which I should cancel the certificate of confirmation of grant. The applicant ought to have moved for a review of the confirmation orders or the revocation of the grant.
5. The Motion dated 19th February 2012 is hereby dismissed. The respondent shall have costs of the application.

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

W. MUSYOKA

JUDGE