



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 66 OF 2011**

**IN THE ESTATE OF VASANJI RAMJI KANJI DHARANI – (DECEASED)**

**RULING**

1. What is pending for determination in this cause is the summons for confirmation of grant dated 30<sup>th</sup> January 2012.
2. The cause relates to the estate of Vassanji Ramji who died on 3<sup>rd</sup> May 1967. Representation to his estate was sought on 18<sup>th</sup> January 2011 by the applicant herein, Rahim Mansurali Hassaawali Dharani in his capacity as great grandchild of the deceased, there being no other closer blood relations of the deceased. There is a letter of identification dated 15<sup>th</sup> November 2010 forwarded to court by Aga Khan Shia Imami Ismaili Council of Kisumu to that effect.
3. A grant of letters of administration intestate was made to the petitioner on 22<sup>nd</sup> July 2011 and a certificate was issued on the same day in his name.
4. On 20<sup>th</sup> March 2012, the administrator moved the court by way of summons for confirmation of grant dated 30<sup>th</sup> January 2012 seeking to have the grant dated 22<sup>nd</sup> January 2011 confirmed.
5. The application was placed before Mugo J. on 9<sup>th</sup> May 2012, who was not satisfied that the administrator was the sole surviving heir of the deceased and called for further evidence.
6. On 13<sup>th</sup> June 2012 the administrator filed an affidavit sworn on 8<sup>th</sup> June 2012 in England. He concedes in the said affidavit that the deceased did indeed have children, but that their whereabouts were not known. It transpired that the deceased initially came from India.
7. When the said affidavit was placed before Mugo J. on 9<sup>th</sup> July 2012, she directed the administrator to file written submissions.
8. The administrator filed submissions on 14<sup>th</sup> August 2012. His principal argument is that he is the sole surviving relative of the deceased as confirmed by the leaders of his community.
9. I have noted that notice of the filing of the petition for grant of letters of administration was gazetted on 17<sup>th</sup> June 2011. The object of gazettment is to inform the world that the deceased is no more and representation to his estate was being sought. This information is meant for the consumption of creditors of the deceased and heirs. The notice invites objections to the grant being made to the petitioner. I note that no objections were have filed at all and it was on that basis that grant was made to the administrator/applicant.
10. In view of the above I do not find basis upon which I can decline the application. The same is allowed as prayed.

**DATED, SIGNED and DELIVERED at NAIROBI this 28<sup>th</sup> DAY OF August, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Nyoike advocate for the applicant.**