

REPUBLIC OF KENYA

High Court at Mombasa

Succession Cause 44 of 2013

IN THE MATTER OF THE ESTATE OF HARRY ROY VEEVERS (DECEASED)

AND

**IN THE MATTER OF: AN APPLICATION FOR LETTERS OF
ADMINISTRATION AND COLLIGENDA**

BONA DEFUNCT BY RICHARD JOHN

VEEVERS AND PHILIP DAVID VEEVERS

RULING

The applicant herein filed a chamber summons seeking a special limited grant with respect to the estate of **HARRY ROY VEEVERS** the applicant being the biological son of the deceased. The orders prayed for included orders to access, enter, maintain, secure, preserve and manage the three properties known as LR 12902/1/MN, LR 12903/1/MN and LR 1294/1/MN. It has come to light that the occupant of **one** of the above properties is a woman known as **AZRA PARVEEN DIN** who claims to be a wife of the deceased and who the applicant concedes is the mother of two of the deceased's daughters. To grant the orders as prayed may be prejudicial to any interest the said Azra and her two daughters may have in the estate. Prior to the arrival of the applicant from the United Kingdom following the death of his father these properties were being managed and utility bills paid. There is evidence that no revenue is being generated from any of the properties in question.

In the circumstances it would be more appropriate for either the applicant or the respondent to apply for a full Grant so that the probate may be finalized and the estate distributed amongst all beneficiaries. The court does appreciate that this may take some time and the applicant being a foreigner requires somewhere to stay as he follows upon this process. The respondent has indicated that the applicant is at liberty to occupy any of the vacant houses. I am reluctant to grant the orders as prayed in the chamber summons dated 20th February, 2013 as this may allow the applicant to muscle in on the estate whilst the rights (if any) of the respondent and other beneficiaries are yet to be determined. In the circumstances I do hereby make the following orders:

1. The applicant is at liberty to access, enter and occupy any **one** of the vacant houses belonging to the deceased.
2. The applicant is hereby issued with a limited Grant to enable him collect, gather and receive the estate and do any acts as may be necessary for the preservation of the estate until further representation be granted.
3. Either party is at liberty to commence probate proceedings for a full Grant.
4. Each party to meet their own costs of this application.

Dated and delivered at Mombasa this 26th day of February, 2013.

M. ODERO

JUDGE

In the presence of:

Ms. Mungala for Applicant

Court Clerk Mutisya