



1. Family Law
2. Law of Succession Act Cap 160 Laws of Kenya
3. Subject of main case.
  - (i) Revocation.
  - (ii) *Suo moto* **section 76 d (i)** revocation of grant for failure to confirm grant after twelve months.
  - (iii) Deceased male adult aged 68 years old in 28<sup>th</sup> April 1996.
  - (iv) Temporary letters of grant issued *Visram J* 25<sup>th</sup> June, 2002.
  - (v) P & A 30 – 30<sup>th</sup> May 2001 Kenya Gazette 18<sup>th</sup> April, 2001.
  - (vi) Survivors relationship unknown
  - (vii) Advocate unable to trace or get clients. Concedes grant be revoked
4. **Held**
  - i) Grant revoked for non compliance of **section 76 d(i)**.
5. **Case law** - Nil
6. **Advocate**

J.M. Motanya advocate instructed by M/S Motanya & Co. Advocates for the petitioner.

**REPUBLIC OF KENYA  
IN THE HIGH COURT  
AT KERICHO  
Probate & Administration 50 of 2001**

MILKA KIPNGENO TURGUT..... DECEASED

AND

DAVID NGENO .....PETITIONER

**RULING**  
**Revocation of grant**  
**Suo Moto**  
**Section 76 d (i)**

**I. Procedure**

1. Temporary letters of grant intestate were issued to the petitioner on the 25<sup>th</sup> January 2002 (*Visram J*) for seven years no one has come to court to apply to confirm the said grant. This court issued notice under **section 76 d (i)** of the Law of Succession Cause to show cause under form P & A 69

why the grant ought not to be revoked having not been confirmed at least within the twelve (12) months period.

2. The estate of the deceased, Mika King'eno Turgat aged sixty eight (68) years old male adult a farmer who died suddenly on 28<sup>th</sup> April, 1996, was taken out by the Petitioner who claimed to be his son. He applied for the grant through his advocate J.M. Motanya & Co. advocates. His attempt to obtain his client proved fruitless. After a few adjournments, he informed the court that the property/asset had a lot of mortgage. He then prayed that the grant be revoked.

## **II: Opinion**

3. All the applicants require to do is to confirm the grant. In the P&A 5 no liability had been disclosed despite the title showing in its green card the varies change to a bank. The applicants needed to pay off the said change to access the property. Their advocate implies that due to this, they are not interested. Those named on the form P&A 5 have not disclosed their relationship to the deceased.
4. I hereby revoke this grant. The temporary letters of grant issued on 25<sup>th</sup> June, 2002, seven years ago be returned to court. The Principal Registry to be served with a copy of this ruling to note for their records.
5. The creditors if any may petition the Public Trustee to take over the estate.

**DATED** this 30<sup>th</sup> day of November, 2009 at **KERICHO**

**M.A. ANG'AWA**

# **JUDGE**

## **Advocate**

J.M. Motanya advocate instructed by M/S Motanya & Co. Advocates for the petitioner.