



In re Estate of Dilipkumar Maganbhai Patel (Deceased) (Succession Cause E022 of 2021) [2024] KEHC 106 (KLR) (18 January 2024) (Ruling)

Neutral citation: [2024] KEHC 106 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE E022 OF 2021
RE ABURILI, J
JANUARY 18, 2024**

IN THE MATTER OF THE ESTATE OF DILIPKUMAR MAGANBHAI PATEL (DECEASED)

IN THE MATTER OF

**TARULATA KILIPKUMAR PATEL 1ST PETITIONER
MAYUR MAGANBHAI CHATURBHAI PATEL 2ND PETITIONER
PRADEEP CHANDRANKANT PURSHOTAM PATEL 3RD PETITIONER**

RULING

1. The Ruling of September 26, 2023 revoked the grant of probate issued on October 4, 2021 and closed this file, while directing that a fresh petition for grant of probate be filed by the interested persons in the estate of the deceased Dilipkumar Maganbhai Patel.
2. This is because a grant once issued should be confirmed at least six (6) months later.
3. In this case, from October 4, 2021, when the grant of probate was issued, no summons for confirmation of the said grant were filed for consideration by the court.
4. Despite the explanation for delay, it is clear that the Petitioner lost interest. I say so because being out of the country does not bar one from continuing the proceedings instituted in court, noting that following the Covid 19 pandemic, courts started receiving pleadings via email and we have since gone e-filing hence nothing prevented the Petitioner from instructing her advocate to file summons for confirmation of grant in good time now that the petition was filed barely four (4) months following the demise of the deceased testator.
5. Accordingly, I decline to review the Ruling of September 26, 2023 and dismiss it.
6. The Petitioner to file a fresh petition for consideration by the court.
7. Ruling to be typed. I so order.



8. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

