



**In re Estate of Malkit Singh alias Naranjan Purkh Malkit alias  
Naranjan Purkh Nama Hamira Malkit (Deceased) (Succession Cause  
902 of 1997) [2023] KEHC 19464 (KLR) (Family) (22 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 19464 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**FAMILY**

**SUCCESSION CAUSE 902 OF 1997**

**EKO OGOLA, J**

**MAY 22, 2023**

**IN THE MATTER OF THE ESTATE OF MALKIT SINGH ALIAS NARANJAN PURKH  
MALKIT ALAIS NARANJAN PURKH NAMA HAMIRA MALKIT (DECEASED)**

**BETWEEN**

**BALBIR SINGH ..... 1<sup>ST</sup> APPLICANT**

**TRILOCHAN BADEN ..... 2<sup>ND</sup> APPLICANT**

**AND**

**MAJINDER KAUR G.S. DHILLON ..... RESPONDENT**

**RULING**

1. Before the court for determination is the notice of motion dated January 26, 2023 brought under a Certificate of Urgency. The applicants Balbir Singh and Trilochan Baden seek the following Orders
  1. Spent
  2. That pending the inter-partes hearing of this application, an interim Order be granted directing the respondent to forthwith produce the Original title document of the property of the estate of the Deceased registered as Land Reference Number 209/1904 and surrender it to the applicants herein as the administrators of the estate of the deceased.
  3. That pending the inter-partes hearing of this application, this honorable court be pleased to direct the respondent to forthwith grant the applicants as the administrators of the estate of the deceased, unrestricted access to the property of the estate of the deceased registered as Land Reference Number 209/1904 in accordance with their mandate to administer the estate of the deceased.



4. Pending the inter-partes hearing of this application, this honorable court be pleased to issue an order prohibiting the respondent/ her servants/agents and/or representatives from interfering with the administration of the estate of the deceased and intermeddling with the property of the estate of the deceased registered as Land Reference Number 209/1904
  5. This honorable court be pleased to grant an order directing the officer commanding police station-parklands police station to ensure compliance with the orders granted pursuant to prayers 3 and 4 above
  6. This honorable court be pleased to direct the respondent to account for all monies or revenue collected in connection with her occupation and use of the property of the estate of the deceased registered as Land Reference Number 209/1904
  7. After the inter-partes hearing of this application, this honorable court to find the respondent's possession of the Original title of the property of the estate of the deceased registered as Land Reference Number 209/1904 and the failure to surrender it to the applicants as the administrators of the estate of the deceased to be an act consisting of intermeddling with the property of the estate of the deceased
  8. This Honorable court be pleased to issue any other order that may be deemed just and expedient including punishment against the respondent for impeding the administration of the estate of the deceased and intermeddling with the property of the estate of the deceased registered as Land Reference Number 209/1904
  9. That costs of this application be borne by the respondent.
2. The application is premised upon section 1A, 1B and 3A of the *Civil Procedure Act* cap 21, order 51 rule 1 of the *Civil Procedure Rules*, 2010 section 45 and 83 of the *Law of Succession Act*, cap 160 and all enabling provisions of law. It is based on the grounds set out therein and supported by the Affidavit of even date of both Applicants.
  3. The Applicants are the joint Administrators to the estate of the deceased. The Applicants depose that the deceased had only one property known as Land reference number 209/1904. According to the Applicants, the property is to be distributed in equal shares as follows: -
    - i. Ragbir Baden - son to the deceased
    - ii. Balbir Singh - son to the deceased
    - iii. Ajit Baden - son to the deceased
    - iv. Estate of the late Manjit Singh Malkit who was a son of the deceased
  4. The respondent is a widow to the late son of the deceased.
  5. The Applicants aver that they have been unable to administer the said property since the respondent who is in sole and physical occupation of the property is in possession of the Original Title and has refused to surrender the Original title document to the Applicants.
  6. According to the Applicants, the actions of the respondent are suspicious, selfish and prejudicial to the interests of all other beneficiaries.
  7. The respondent was served with the Application. The respondent's counsel in court on 24<sup>th</sup> April, 2023 stated that the respondent had no intention to Respond and indicated that the Application could be allowed.



8. In consideration that the respondent is a widow to the deceased son of the deceased, she does not fall within the description of an intermeddler under section 45 of the Law Succession Act cap 160 therefore the Orders relating to punishment for intermeddling cannot be granted.
9. Considering that the respondent is agreeable to the Application being granted, this court makes the following orders: -
  1. The respondent is hereby ordered to produce the original title document of the property of the deceased estate of the deceased registered as Land Reference Number 209/1904 to the Administrators within the next 7 days from the date of this Order.
  2. Failure thereto by the respondent, the Officer Commanding Police Division-Parklands Police station shall ensure compliance with the Order
  3. The respondent/ her servants/ her agents and or representatives are prohibited from interfering with the administration of the estate of the deceased.
  4. Costs of this application shall be borne by the respondent

Orders Accordingly.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 22<sup>ND</sup> DAY OF MAY 2023.**

**E.K. OGOLA**

**JUDGE**

Ruling read and delivered in chambers online in the presence of:

M/s Wairimu for the Applicants

M/s Gakure h/b for Wairoto for the respondent

Ms. Gisiele Court Assistant

