



**In re Estate of Bipin Naran Patel (Deceased) (Succession Cause
9 of 2020) [2021] KEHC 9802 (KLR) (12 March 2021) (Ruling)**

Neutral citation: [2021] KEHC 9802 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
SUCCESSION CAUSE 9 OF 2020**

JN ONYIEGO, J

MARCH 12, 2021

IN THE MATTER OF THE ESTATE OF BIPIN NARAN PATEL (DECEASED)

RULING

1. The deceased herein died intestate on 7th January, 2020 leaving behind a widow Anupama Saikia as the only survivor and sole beneficiary. A grant of letters of administration was issued on 11th December, 2020 to the said widow as the sole administrator.
2. Vide a summons of confirmation of grant dated 12th January, 2021 filed on 15th January, 2021, the petitioner sought confirmation of the grant the expiry of six month's period notwithstanding pursuant to Section 71 (3) of the *law of Succession Act*. The application is hinged on grounds set out on the face of it and an affidavit in support sworn on 12th January, 2021 by the applicant.
3. It is the applicant's case that she is the sole dependant and beneficiary to the estate and that there is no objection from anybody hence the need to have the grant confirmed before the expiry of six months.
4. I have considered the application herein and the grounds in support thereof. The applicant is seeking confirmation of the grant before expiry of six months. Section 71 (3) of the *Law of Succession Act* empowers the court to confirm a grant before the expiry of six months if it is satisfied that; there is no dependant as defined under Section 29; that the only dependants all of full age have consented and, that it would be expedient in all the circumstances to so do.
5. According to the chief's letter, the applicant/petitioner is the only survivor to the deceased and therefore the sole beneficiary. That being the case, there is no need to further delay the process of confirmation as there is no known dependant to a wait for consent or objection.
6. In view of the circumstances of this case, I am persuaded to hold that the application herein is suitable for confirmation before the expiry of six months. Accordingly, the application is allowed, grant confirmed and the estate shared out as per the proposed mode of distribution in the affidavit in support.

DATED, SIGNED AND DELIVERED AT MOMBASA THIS 12TH DAY OF MARCH, 2021

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J. N. ONYIEGO

JUDGE

