

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 1057 OF 2011

IN THE MATTER OF THE ESTATE OF JAYANTILAL HARIBHAI BAKRANIA (DECEASED)

KARANJA KIARIE & CO. ADVOCATES.....APPLICANT

VERSUS

HARSHA BAKRANIA.....1ST RESPONDENT

AGNES WAITHERA MWANGI.....2ND RESPONDENT

VALLABH DILIP BAKRANIA.....3RD RESPONDENT

RULING

1. The applicant Karanja Kiarie & Co. Advocates filed an advocate/client Bill of Costs against Harsha Bakrania (1st respondent) who was then the sole administrator of the estate of the deceased Jayantilal Haribhai Bakrania who died intestate on 18th September 2010. The deceased left a vast estate. The Bill of Costs was taxed at Kshs.7,605,223/60. A certificate of taxation was issued in favour of the applicant against the 1st and 2nd respondents. Following an application, a consent was entered in which it was acknowledged that a decree in the amount would be executed against the estate of the deceased.

2. The present application dated 1st September 2020 seeks that the applicant be joined in this succession cause as an interested party to be able to proceed with the execution process. The application was opposed by the 1st respondent on the grounds that the same was incompetent, and that the claim by the applicant had already been settled in **Nairobi HC Misc. Civil Application No. 75 of 2016**. This is where the Bill of Costs was taxed.

3. There is no outstanding dispute between the estate of the deceased and the applicant that requires adjudication by the sought joinder. The applicant is an acknowledged creditor of the estate of the deceased whom the administratrices of the estate are obliged to pay under **section 83(c)** of the **Law of Succession Act (Cap. 160)**. I note that the joint grant issued to the respondents has not been confirmed. Now that the applicant has a decree he can commence execution proceedings against the estate. The applicant does not need to be joined in the succession proceedings.

4. Consequently, I find the application for joinder to be unnecessary and misconceived, and dismiss it with costs.

DATED AND DELIVERED AT NAIROBI THIS 7TH DAY OF JUNE 2021.

A.O. MUCHELULE

JUDGE