



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Mohanlal Khimji Devji Patel (Deceased) (Succession Cause 307 "A" of 2005) [2021] KEHC 9829 (KLR) (5 November 2021) (Ruling)**

Neutral citation: [2021] KEHC 9829 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
SUCCESSION CAUSE 307 "A" OF 2005  
JO NYARANGI, J  
NOVEMBER 5, 2021**

**IN THE MATTER OF THE ESTATE OF MOHANLAL KHIMJI DEVJI PATEL (DECEASED)**

**RULING**

1. The deceased herein died intestate on March 27, 1993 leaving behind a widow Kanta Mohanlal Patel and three sons namely; Sanjay Mohanlal Patel, Vijay Mohanlal Patel and Nitin Mohanlal Patel. On July 11, 2005, the widow petitioned for a grant of letters of administration intestate. The same was granted on November 8, 2006 and confirmed on May 14, 2007. The estate was shared out as per the affidavit in support.
2. Unfortunately, the administratrix died on January 8, 2020 leaving 1/5 share in Mombasa /MS/Block III/34 as part of the un administered estate. Subsequently, on January 15, 2020 Nitin Mohanlal Patel died.
3. Consequently, Vijay Mohanlal Patel petitioned this court on June 15, 2021 seeking a grant of letters of administration *debonis non* to complete administration of the un administered part of the estate taking into account that the sole administratrix is deceased.
4. The application is supported by a death certificate of the deceased administrator and Nitin Mohanlal Patel one of the beneficiaries.
5. The petitioner also attached a consent purportedly signed by him and Sanjay Mohanlal Patel the other surviving beneficiary (son). The said consent is said to have been notarized before a notary public in UK.
6. It is clear from the pleadings and the death certificates attached that there is no administrator in place currently to finish administration of the estate. Therefore, there is need to appoint an administrator to complete administration of the un administered part of the estate given that there are only two surviving beneficiaries and one has consented on Vijay being appointed as an administrator. It is only fair and just that he be appointed as an administrator to complete administration of the estate.
7. Accordingly, the application is allowed and a grant of letters of administration *debonis non* to issue to the applicant one Vijay Mohanlal Patel for purposes of completing administration of the estate.



DATED, SIGNED AND DELIVERED VIRTUALLY AT MOMBASA THIS 5<sup>TH</sup> DAY OF  
NOVEMBER, 2021

J. N. ONYIEGO

JUDGE

