

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 22 OF 2019

IN THE MATTER OF THE ESTATE OF ABDULLA MOHAMED SUMAR (DECEASED)

MOHAMED-HUSSEIN MOHAMED.....PETITIONER/ADMINISTRATOR

RULING

1. The deceased Abdulla Mohamed Sumar died testate on 4th May 2016 at Gulu, Uganda. From the copy of the Will attached, the deceased indicated he had two wives, Roshankhanu Abdulla Sumar (1st wife) and Abodo Sumar (2nd wife), and 6 children born between 1953 and 1966.
2. The estate of the deceased comprised of 12,807 shares in Diamond Trust Bank Kenya Limited with an estimated value of Kshs.2,369,295.
3. The petitioner/administrator Mohamed-Hussein Mohamed resides in the United Kingdom. He petitioned the High Court of Uganda Holden at Gulu for letters of administration “with the will annexed” which was issued to him on 9th November 2018. A copy of the foreign grant notarised on 9th November 2018 was attached. In the Administration Bond issued by the High Court of Uganda at Gulu, it is stated that the applicant/administrator is a son-in-law of the deceased.
4. By an application dated 4th January 2019, the petitioner/administrator petitioned this court for the resealing of a grant. The matter came up for hearing on 13th May 2019. The applicant was represented by Mr Njoka Advocate who was holding brief for Mr Shah.
5. Under **section 77** of the **Law of Succession Act (Cap 160)** this court has power to reseal a grant issued by the High Court in Uganda in respect of the estate of the deceased. Under **section 78** of the **Act**, a duplicate or copy of the foreign grant sealed with the seal of the court that issued it shall have the same effect as the original. The copy that was produced in the application was on 4th January 2019 notarised by Notary Public in England to be the true copy of the letters of administration issued to the petitioner on 9th November 2018 by the High Court of Uganda Holden at Gulu in respect of the estate of the deceased.
6. Consequently, I allow the application. The grant shall be resealed and gazetted.
7. Costs shall be in the cause.

DATED and DELIVERED at NAIROBI this 20TH day of MAY 2019.

A.O. MUCHELULE

JUDGE