

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1551 OF 2009

IN THE MATTER OF THE ESTATE OF SATWANT KAUR BILKHU (DECEASED)

RULING

1. The Summons dated 27th June 2011 seeks revocation of the grant made to the executor on 1st December 2009 on the grounds that he has failed to have it confirmed and to distribute the estate. There are several consequential prayers.
2. After the application was filed in court the executor entered into a consent with the applicant which was recorded in court on 15th September 2011 to the effect that the executor was to file an account in court within thirty (30) days, to collect rental income and maintain proper accounts, but not to alienate the assets of the estate without the concurrence of the beneficiaries.
3. The applicant filed a further affidavit on 13th December 2012, basically to reiterate his earlier averments and to place further documents before the court.
4. The deceased died on 25th April 2009, and representation to his estate was granted on 1st December 2009. The grant was confirmed on 31st January 2011 on an application dated 12th July 2010. There is a certificate of confirmation of grant on record dated 31st January 2011.
5. I have noted from the record that the application dated 27th June 2011 is not opposed, for there is no reply to it. I note too that accounts have not been rendered as ordered on 15th September 2011. There is no explanation as to why the executor has not completed administration after obtaining confirmation of the grant on 31st January 2011.
6. I find merit in the application dated 27th June 2011 and I make the following orders-
 - a. **That the grant of probate with written will made on 1st December 2009 to Gian Singh Lachhman Singh Sahmbi is hereby revoked;**
 - b. **That as a consequence of (a) above, the certificate of confirmation of grant dated 31st January 2011 is hereby cancelled;**
 - c. **That the executor is hereby ordered to comply with Order 1 of the consent recorded on 15th September 2011 and issued on 16th September 2011 within thirty (30) days of date of this ruling;**
 - d. **That Gurdev Singh Bilkhu and Mehnga Singh Jaswant are hereby appointed administrators of the estate of the deceased;**
 - e. **That a grant of letters of administration with will annexed shall issue to them accordingly; and**
 - f. **That the matter shall be mentioned after thirty (30) days on a date to be given at the delivery of the ruling for compliance with (c) above.**

DATED, SIGNED and DELIVERED at NAIROBI this 2ND DAY OF OCTOBER, 2015.

W. MUSYOKA

JUDGE