



In re Estate of the Late Ali Soud Abdallah (Deceased) (Miscellaneous Application E129 of 2025) [2025] KEKC 12 (KLR) (18 April 2025) (Ruling)

Neutral citation: [2025] KEKC 12 (KLR)

**REPUBLIC OF KENYA
IN THE KADHIS COURT AT MOMBASA
MISCELLANEOUS APPLICATION E129 OF 2025
AH ATHMAN, CK
APRIL 18, 2025**

BETWEEN

ZAKIA SALIM KASSIM APPLICANT

AND

ZUBEDA RAMADHAN RESPONDENT

RULING

1. The applicant's Notice of Motion dated 20th February, 2025 Seeks orders
 1. That the application be certified urgent
 2. That the Honourable Court do grant conservatory orders by way of an injunction restraining the respondent whether by herself, through her servants, officers and / or agents from intermeddling with the estate of the deceased by receiving, withdrawing, using or otherwise interfering with the deceased's insurance benefits and / or compensation money or by selling out the deceased's properties or otherwise interfering with the said properties, insurance benefits and / or compensation money or utilizing the same to the disadvantage of other beneficiaries pending hearing and determination of this application.
 3. That the respondent be compelled to deposit the original certificate of death for Ali Soud Abdalla (deceased) in court so as to enable the applicant to initiate proceedings to take out letters of administration of the estate of the deceased.
 4. Any other order that may be just and in the interest of preservation of the estate of the properties of the deceased.
2. The application is supported by the even dated affidavit sworn by the applicant and annexures including ID copies, copy of marriage certificate between the deceased and the applicant.



3. The applicant deposed that she is a wife of the deceased, married under Islamic law, that the deceased was an employee of Panda Retail Company in Saudi Arabia at the time of his death. She deposed further that the respondent who is the mother to the deceased has received compensation money / insurance benefits of the deceased from his employer but has failed to fully disclose the same to her. She deposed further that the death certificate of the deceased is in possession of the respondent and she is not able to file for letters of administration without the document. She averred that the respondent is intermeddling with the estate.
4. The respondent was duly served. She instructed an advocate to represent her. Neither she or her advocate on record appeared or respondent to the application.
5. Upon reading the application and affidavit and annexures thereto and upon hearing the applicant, prima facie, the applicant is widow of the deceased and would be entitled to a share in his estate. A succession petition cannot be instituted without filing of death certificate. The estate having not been distributed to heirs needs to be preserved. Accordingly, the application is granted as prayed.
6. Conservatory orders by way of an injunction do hereby issue upon the respondent whether by herself, through her servants, officers and / or agents from intermeddling with the estate of the deceased by receiving, withdrawing, using or otherwise interfering with the deceased's insurance benefits and / or compensation money or by selling out the deceased's properties or otherwise interfering with the said properties, insurance benefits and / or compensation money or utilizing the same to the disadvantage of other beneficiaries pending hearing and determination of this application.
7. The respondent be and is hereby compelled to deposit the original certificate of death for Ali Soud Abdalla (deceased) in court, in any case but within thirty (30) days of service with this order; to enable the applicant to initiate proceedings to take out letters of administration of the estate of the deceased.
8. No orders as to costs.
Orders accordingly.

DATED, DELIVERED AND SIGNED AT MOMBASA ON 18TH APRIL, 2025

HON. ABDULHALIM H. ATHMAN

CHIEF KADHI

In the presence of

Mr. Salim Kerrow, Court assistant

Applicant

