



In re Estate of Solomon Yohana Malle (Deceased) (Family Miscellaneous Civil Case E004 of 2025) [2025] KEHC 15299 (KLR) (30 October 2025) (Ruling)

Neutral citation: [2025] KEHC 15299 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
FAMILY MISCELLANEOUS CIVIL CASE E004 OF 2025
AN ONGERI, J
OCTOBER 30, 2025
IN THE ESTATE OF SOLOMON YOHANA MALLE (DECEASED)
IN THE MATTER OF
NATHANIEL JOHN MALLE APPLICANT**

RULING

1. The Grant filed herein is emanating from Succession Cause No. 15 OF 2021 in the Republic of Tanzania in respect of the Estate of Solomon Yohana Malle (deceased).
2. The Applicant, Nathaniel John Malle is seeking for orders that the grant be sealed by this court and further, that the property belonging to the deceased LR No. 4113/194 situated in Taita Taveta County to devolve in accordance with his Written Will.
3. The court's power to seal the foreign grant is a procedural mechanism governed by the *Law of Succession Act*, Cap 160 of the Laws of Kenya, which provides for the recognition and enforcement of probate grants issued by competent courts in other jurisdictions.
4. The resealing process, as articulated in the Act, is not a fresh succession cause but an endorsement by the Kenyan court that the foreign grant shall have the same force and effect as a grant made by the court in Kenya, thereby facilitating the administration of the deceased's assets located within Kenya.
5. The legal foundation for this action is firmly rooted in the principle of comity, where Kenyan courts, as a matter of judicial courtesy, recognize the probate and administration orders of foreign courts of competent jurisdiction, provided that the requisite procedural steps are followed.
6. This principle ensures an orderly and efficient cross-border administration of estates, preventing the necessity for duplicate and conflicting legal processes.
7. The court, in exercising its discretion, must be satisfied that the application is proper and that the foreign grant was issued by a court of competent authority.



8. In this instance, the Grant from Succession Cause No. 15 of 2021 from Tanzania is deemed proper for resealing, thus conferring upon the Applicant, Nathaniel John Malle, the legal authority to administer the specific Kenyan asset of the deceased.
9. Furthermore, the Ruling explicitly directs that the property known as LR No. 4113/194 situated in Taita Taveta County shall devolve in accordance with the deceased's Written Will.
10. This directive underscores a fundamental tenet of Kenyan succession law: the primacy of testamentary freedom.
11. Where a deceased person has left a valid will, the distribution of their estate is governed by the express wishes contained within that document, as opposed to the intestacy provisions of the *Law of Succession Act*.
12. The court's role in such a scenario is to uphold the testator's intentions, thereby ensuring that the property is transferred to the beneficiaries.
13. The resealing of the grant is the procedural key that unlocks the Applicant's ability to execute this duty over the immovable property situated in Kenya, ultimately ensuring that the clear and lawful wishes of the deceased, Solomon Yohana Malle, are faithfully carried out.
14. The Grant filed herein emanating from Succession Cause No. 15 Of 2021 in the Republic of Tanzania in respect of Solomon Yohana(deceased) be and is hereby sealed by this court.
15. Orders to issue accordingly.

**DATED, SIGNED AND DELIVERED THIS 30TH DAY OF OCTOBER 2025 IN OPEN COURT
AT VOI HIGH COURT.**

ASENATH ONGERI

JUDGE

In the presence of:-

Court Assistant: Millicent/Mabishi

.....for the Applicant

