



**In re Estate of Ajit Singh bhabra (Deceased) (Succession Cause 1175 of 1997)
[2025] KEHC 16862 (KLR) (Family) (20 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16862 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1175 OF 1997
HK CHEMITEI, J
NOVEMBER 20, 2025
IN THE MATTER OF THE ESTATE OF AJIT SINGH BHABRA (DECEASED)**

BETWEEN

KULVINDERJIT KAUR BHABRA APPLICANT

AND

SIMAR KAUR BHABRA (NOW DECEASED) RESPONDENT

AND

AVTAR SINGH BHABRA INTERESTED PARTY

JASWINDER SINGH BHABRA INTERESTED PARTY

GURVIR SINGH BHABRA INTERESTED PARTY

RASHMINDER SINGH BHABRA INTERESTED PARTY

RULING

1. This ruling relates to the application dated 24th January, 2022 filed by the Applicant, Kulvinderjit Kaur Bhabra, seeking for orders that:-
 1. The tenant in occupation of L. R. No. 209/7521 Homa Bay Road Industrial Area, do show cause why they should not be held in contempt of the order issued on 16th July, 2021.
 2. Upon there being no cause shown, this honourable court be pleased to find that the tenant in occupation of L.R. No. 209/7521 Homa bay Road, Industrial Area is in contempt of court for failure to comply with the order issued on 16th July, 2021.



3. The Manager/Director of the tenant on L.R. No. 209/ 7521 Homa Bay Road, Industrial Area, be committed to civil jail for a period not exceeding six (6) months for non – compliance of the Order issued on 16th July, 2021.
 4. This honourable court do issue an eviction order against the tenant, its servants, agents and employees from land parcel number L.R. No. 209/7521 Homa Bay Road, Industrial Area.
 5. The tenant in occupation of L.R. No. 209/7521 Homa Bay Road, Industrial Area do account for the rent paid in respect of the property since 26th July, 2017.
 6. The OCS Industrial Area Police Station do provide security during eviction.
 7. This honourable court be pleased to issue any other or further order as it deems appropriate to ensure compliance with the order issued on 16th July, 2021.
 8. The tenant in occupation of L. R. No. 209/7521 Homa Bay Road Industrial Area ordered to bear the costs of this application.
2. The application is based on the grounds thereof and supported by affidavit sworn by Kulvinderjit Kaur Bhabra sworn on 24th January, 2022.
 3. She avers inter alia that she is the widow of the late Jaspal Singh Bhabra, who was a son of Ajit Singh - the deceased in this cause. By a court order dated 26th July, 2017, she was declared entitled to a 25% share in the property known as L.R. No. 209/7521, Homa Bay Road, Industrial Area, as a beneficiary of the estate.
 4. That order further directed that she should receive 25% of the rental income from the property pending its sale. However, to date, she has not received any portion of the rent paid by the tenant.
 5. Subsequently, on 6th July, 2021, the beneficiaries, through their respective advocates, recorded a consent order which provided, among other things, that: L.R. No. 209/7521 be placed on the market for sale in accordance with the order of 7th November, 2018; the tenant in occupation vacate the premises within three (3) months of service of the order; and the proceeds of sale be distributed in line with the order of 11th July, 2017, subject to compensation to Kulvinderjit Kaur Bhabra for her accrued rent share at 25% from 11th July, 2017 until the property is vacated.
 6. Through her advocates, she served the said order on 22nd July, 2021. The three-month period for vacant possession expired on 22nd October, 2021, yet the tenant remained in occupation.
 7. On 2nd November, 2021, her advocates sent a further reminder requiring the tenant to vacate by 15th November, 2021. In response, the tenant, through M/s Enock Otieno & Co. Advocates, replied on 15th November, 2021 claiming to have made an offer to purchase the property - an offer that was never communicated to her or her advocates. Her advocates replied on 24th November, 2021, advising that unless and until a formal offer was received and accepted, the tenant remained in contempt of court. No response has been received to date and the tenant continues to occupy the premises in blatant defiance of express court orders.
 8. She therefore prays that this Honourable Court intervenes by: finding the tenant in contempt of court; compelling the tenant to account for all rent received from July, 2017 to date; and ordering that the tenant’s managers/directors be apprehended and detained for contempt, so as to protect the authority of the court and uphold the rule of law.



9. The application is opposed vide notice of preliminary objection dated 24th May, 2023 which is based on the grounds that:
 1. There is no administrator for the Estate of the late Ajit Singh Bhabra, with the previous one Simar Kaur Bhabra, having passed on in April, 2022 as required by law.
 2. The application before this court is not prosecutable in law given the circumstances.
 3. The tenant being sought to be vilified and or punished has never been a party to these proceedings.
10. The Applicant has not filed written submissions.
11. The Respondents have filed written submissions dated 3rd November, 2025 placing reliance on Varma, The Registered Trustee of Arya Pratinidhi Sabha Eastern v Ogaro, The Principal Parklands Arya Girls High School & Another [2022] KEELC 15348 (KLR).

Analysis and Determination

12. I have looked at the application before this court, the history of the matter as well as the submissions and the cited authorities.
13. On 16th July, 2021, it was ordered by consent that: L.R. No. 209/7521, Homa Bay Road, Industrial Area be placed on the market for sale in accordance with the order dated 7th November, 2018 the tenant currently occupying the premises vacate within three (3) months from the date of service of the order; the sale proceeds be distributed pursuant to the order issued on 11th July, 2017, subject to payment of compensation to Kulvinderjit Kaur Bhabra for her 25% share of rent accrued from 11th July, 2017 until vacant possession is obtained; and that the matter be mentioned on 12th July, 2021 for purposes of addressing representation and receiving further directions.
14. On 11th July, 2017 it was ordered by consent that: the Applicant be paid Sterling Pounds 98,254.58 within 30 days; that she receives a 25% share of L.R. No. 209/7521, Homa Bay Road, Industrial Area; and that she be entitled to 25% of the income generated from the said property pending its sale. The matter was set for mention on 25th September, 2017 to confirm the property's valuation and assess progress. Regarding L.R. No. 209/753/42, it was ordered that the following issues be addressed legally at a later stage: whether the property forms part of the estate; and whether it ought to be held in trust for the deceased's children.
15. On 7th November, 2018 it was ordered that the property be put up for sale and the tenant be notified first to allow access.
16. A grant of letters of administration de bonis non over the Estate of Ajit Singh Bhabra was issued by this court to Jasvinder Singh Bhabra and Harpiya Bhabra on 22nd May, 2025.
17. This grant in the premises renders grounds 1 and 2 of the notice of preliminary objection dated 24th March, 2025 obsolete.
18. It has been ordered, consistently in the orders aforementioned, that the applicant herein be paid 25% share of the rent accrued from L.R. No. 209/7521, Homa Bay Road, Industrial Area; pending its sale. The related orders have been served upon the tenant occupying the premises. As such, the tenant is bound, by law, to comply with the said orders of this honourable court.
19. I think the orders of consent which the parties have consistently agreed upon have never been honored least of all by the respondents. Even if the property has not attracted any purchaser, the least they ought



to have done is to pay the applicant 25% of her share. They cannot argue that since the sale has not crystalized, they cannot pay her the agreed portion.

20. The mysterious tenant whom I guess is being shielded by the respondents cannot continue enjoying the use of the premises without corresponding responsibility to the applicant.
21. The court succinctly said in *Shimmers Plaza Limited Vs National Bank of Kenya Limited* [2015] eKLR where the court of appeal stated as follows:

“Would the knowledge of the judgment or order by the advocate of the alleged contemnor suffice for contempt of proceedings?” We hold the view that it does. This is more so in a case such as this one where the advocate was in court representing the alleged contemnor and the orders were made in his presence. There is an assumption which is not unfounded, and which in our view is irrefutable to the effect that when an advocate appears in court on instructions of a party, then it behooves him/her to report back to the client all that transpired in court that has a bearing on the client’s case.

This is the position in other jurisdictions within and outside the commonwealth.

In addressing the issue whether services of a judgment or order on the solicitor for the Ministers is sufficient knowledge of the order on their part to found liability in contempt; the Supreme Court of Canada in *Bhatnager v Canada (Minister of Employment and Immigration)*, [1990] 2 S.C.R. 217 at p. 226, LJ Sopinka, held that: -

“In my opinion, a finding of knowledge on the part of the client may in some circumstances be inferred from the fact that the solicitor was informed. Indeed, in the ordinary case in which a party is involved in isolated pieces of litigation, the inference may readily be drawn. In the case of Minister’s crown who administer large departments and are involved in a multiplicity of proceedings, it would be extraordinary if orders were brought, routinely to their knowledge, in such a case there must be circumstances which reveal a special reason for bringing the order to the attention of the Minister.”

The court went on to state that, “On the cases, there can be no doubt that the common law has always required personal service or actual personal knowledge of a court order as pre – condition to liability in contempt... Knowledge is in most cases (including criminal cases) proved circumstantially, and in contempt cases inference of knowledge will always be available where facts capable of supporting the inference are proved. (See *Avery v. Andrews* (1882) 51Lj Ch. 414)

We reiterate here that court orders must be obeyed. Parties against whom such orders are made cannot be allowed to trash them with impunity. Obedience of court orders is not optional, rather, it is mandatory and a person does not choose whether to obey a court order or not. For as Theodore Roosevelt, the 26th President of the United States of America once said: -

“No man is above the law and no man is below it; nor do we ask any man’s permission to obey it. Obedience to the law is demanded as a right; not as a favour.”

The courts should not fold their hands in helplessness and watch as their orders are disobeyed with impunity left, right and center. This would amount to abdication of our sacrosanct duty bestowed on us by *the Constitution*. The dignity, and authority of the Court



must be protected, and that is why those who flagrantly disobey them must be punished, lest they lead us all to a state of anarchy.”

22. I absolutely see no other reason other than sheer contempt of the various orders herein by the respondents and their cahoots. They cannot be allowed to disobey the orders and frustrate the applicant. This matter is close to thirty years old and the applicant in particular has never enjoyed the bequest courtesy of a cat and mouse games by the respondents and the tenant.
23. In the premises I do find merit in the application and order that:-
- (a) The tenant in occupation of LR No 209/7521 Homa Bay Road Industrial Area is hereby found in contempt of the orders issued on 16th July 2021 and is hereby directed within 14 days from the date herein to show cause why it should not be punished by having the directors/ managers committed to civil jail for a period of six months.
 - (b) The tenants, their agents and or servants in occupation of L.R. No. 209/7521 Homa Bay Road Industrial Area are hereby ordered to vacate the said premises not later than seven (7) days from the date herein and in default the Officer in Charge (OCS) Industrial Area Police station to effect the said eviction order without further notice.
 - (c) The above tenant shall within 14 days from the date herein provide to the Deputy Registrar of this court full and accurate accounts of the rent so far paid from 26th July 2017.
 - (d) Matter be mentioned before the Deputy Registrar of this court within 14 days to confirm compliance.
 - (e) Costs of this application to the applicant.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 20TH DAY OF NOVEMBER 2025.

H K CHEMITEI

JUDGE

