



In re Estate of Chandrakant Manibhai Patel (Deceased) (Succession Cause E14 of 2024) [2025] KEHC 18798 (KLR) (18 December 2025) (Ruling)

Neutral citation: [2025] KEHC 18798 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE E14 OF 2024
RN NYAKUNDI, J
DECEMBER 18, 2025**

IN THE MATER OF THE ESTATE OF CHANDRAKANT MANIBHAI PATEL (DECEASED)

IN THE MATTER OF

PATEL SACAR CHANDRAKANT' 1ST APPLICANT

PATEL KAMAL CHANDRAKANT' 2ND APPLICANT

RULING

1. Before the Court are summons for confirmation of Grant of Letters of Administration Intestate brought under Section 71(3) of the Law of Succession Act (Cap 160), Laws of Kenya and Rule 40 (1) of the Probate and Administration Rules seeking for the following orders:
 - a. That the Grant of Letters of Administration Intestate made on the said Patel Sagar Chandrakant and Patel Kamal Chandrakant be confirmed before the expiry of statutory time of six months.
 - b. That the costs of this application be in the cause.
2. Which Application is grounded on the following Grounds:-
 - a. Annexed affidavit of the said Patel Sagar Chandrakant and Patel Kamal Chandrakant;
 - b. Consent to Confirmation of grant duly executed by Gitaben Chandrakant Patel, Patel Sagar Chandrakant and Patel Kamal Chandrakant;
 - c. Consent to Distribution of the Estate duly executed Gitaben Chandrakant Patel, Patel Sagar Chandrakant and Patel Kamal Chandrakant; and
 - d. Further and other grounds to be adduced at the hearing of this Application.
3. The application is supported by an affidavit sworn by Patel Sagar Chandrakant and Patel Kamal Chandrakant who state as follows: -



- a. That we are the Administrators of the Estate of Chandrakant Manibhai Patel (Deceased), who died on the 6th of November 2024 at Ved Superspeciality Hospital, India.
- b. That a Grant of Letters of Administration Intestate of the Estate of Chandrakant Manibhai Patel (Deceased) was made to us by the High Court of Kenya at Eldoret in this matter.
- c. That the deceased was survived by the following persons:

No.	Name	Relationship	Age
1.	Citaben Chandrakant Patel	Wife	57
2.	Patel Sacar Chandrakant	Son	35
3.	Patel Kamal Chandrakant	Son	32

- d. That this Honourable Court had granted the Petitioners a special limited grant issued on 23rd December 2024 restricted to the purposes of running the deceased's sole proprietorship hardware shop and granting them access for purposes of operating the deceased's bank accounts however the said limited grant which was for a period of five (5) months has since lapsed. Thereby necessitating the present application.
- e. That it is expedient that the grant be confirmed before the expiration of six (6) months as there is urgent need to preserve and ensure the continued operation of the deceased's sole proprietorship hardware business and to safeguard the business from financial loss, disruption of trade and any legal or contractual liabilities that may eventually arise, and waiting for the statutory period of six months to lapse will not be in line with the best interests of the beneficiaries and the estate as a whole.
- f. That we have been informed by my counsel on record which information I believe to be true that this Honorable Court is empowered under Section 71 (3) of the *Law of Succession Act* which provides that; The court may, on the application of the holder of a grant of representation, direct that such grant be confirmed before the expiration of six months from the date of the grant if it is satisfied—
 - a. That there is no dependant, as defined by Section 29 of the deceased or that the only dependants are of full age and consent to the application;
 - b. That it would be expedient in all circumstances of the case so to direct.
 - c. That besides the above-named persons, the Deceased was not survived by any Other Dependants and no other Application for provision for Dependants is pending in this court or any other court,
 - d. That the Dependants have mutually consented that the Estate of the Deceased will be distributed as follows:



No.	Particulars	Area/Shares	Location	Shares To Dependants
Title No. Uasin Gishu/ Kimumu Scheme/2722	0.07 HA	Eldoret		
b)	Pramukh General Hardware	Eldoret		
c)	Funds in Bank	Bank Account	A/C NO. 0XXXXXXXXXXXX	
d)	Funds in Bank of Baroda	Bank Account	A/C NO. 9XXXXXXXXXX02	
	Funds in Bank of Baroda	Bank Account	A/C NO. 95XXXXXXXXXX83	
f)	Funds in Kcb Bank	Bank Account	A/C NO. 1XXXXXXXXXX5	
g)	Funds in Cuardian Bank	Bank Account	A/C NO. 0XXXXXX453	
h)	Funds in Gulf Bank	Bank Account	A/C NO. 1XXXXXX01	
i)	Funds in Chase Bank	Bank Account	A/C NO.01XXXXXXXX01	
	Funds in Chase Bank	Bank Account	A/C NO. 01XXXXXXXXX01	
k)	Funds in Co-Operative Bank	Bank Account	A/C NO. 0XXXXXXXXXX00	



l)	Motor Cycle	REG. NUMBER KMDQ390R
m)	Motor Vehicle	REG. NUMBER KDA 380B
n)	Motor Vehicle	REG. NUMBER KCG 747Q
o)	Motor Vehicle Trailer	REG. NUMBER ZH1243
p)	Motor Vehicle	REG. NUMBER KDL 857P
q)	Motor Vehicle Lorry truck	REG. NUMBER KDE 117W
r)	Motor Vehicle Lorry/ Truck	REG. NUMBER KCY 2395
Total		

- e. That what is deponed herein above is true to the best of our knowledge, understanding and belief.

Decision

4. This court has reviewed the evidence of the summons for confirmation in which the applicant seeks leave of the court to have the final decree in the form of a certificate of confirmation of grant be issued before the expiry of six months. The applicable law happens to be Section 71 (3) of the [Law of Succession Act](#) which provides that the court may direct a grant to be confirmed immediately or sooner than six months if it is satisfied that: That there are no dependants of the deceased, or the only dependants are of full age and consent the application; It would be expedient and just and equitable in all circumstances of the case to do so.

What the law stipulates is that there may be compelling and substantial circumstances to warrant the court to exercise discretion to confirm the grant before the expiry of six months. This can be deduced from the decisions made to address early confirmation of certificate of confirmation of grant. i.e.:

In re Estate of the Late Kipchumba Misoy (Deceased) (Succession ...) [2025] KEHC 1472 (KLR): In this case, a fresh grant was issued to four administrators who were directed to come up with a fresh summons for confirmation of grant "within a period of six (6) months from this date hereof or any other shorter period that they may deem necessary". This demonstrates the court's acknowledgment that the six-month period is a maximum, and a shorter period can be ordered based on the circumstances. (Probate & Administration 65 of 1987) [2025] KEHC 2239 ...: Here, an applicant sought to be appointed as administrator and have the grant confirmed "notwithstanding the statutory six (6) months" after the previous administrator died. The circumstances surrounding the need for continued and urgent administration of the estate formed the basis for this prayer, highlighting that practical necessities can persuade a court to bypass the usual timeframe.



5. It is generally both procedural and substantive law that Probate Courts are clothed with jurisdiction to confirm a grant before the expiry of six months depending on the specific circumstances on a case to case basis presented to the Courts and as much as possible that all beneficiaries have consented and agreed that the distribution be undertaken before the expiry of six months.
6. What does the key legal principles surrounding the confirmation of grant before the expiry of six months? Statutory Requirement: Section 71(3) of the Law of Succession Act, Cap 160, mandates the holder of the grant to apply for confirmation after the expiry of six months from the date of issue. Court's Discretion: Courts have the discretion to allow confirmation for a shorter period, but this is exercised in "compelling cases" depending on the specific circumstances. Beneficiary Consent: A crucial factor for early confirmation is the consent of all beneficiaries, who must be of the full age and agree to the proposed distribution. Expediency/Just and Equitable: The court must be satisfied that it would be "expedient in all circumstances of the case" or "just and equitable" to immediately issue a confirmed grant. Purpose of the Waiting Period: The six-month period allows for potential objections to the grant or the mode of distribution, ensuring all dependents' interests are protected. Premature confirmation without proper procedure or consent may lead to the grant's revocation later.
7. It is from this strength of the law that I exercise discretion to confirm the grant of letters of administration duly issued to the Administrators on transmission of the estate before the expiry of six months for the criteria set on compelling circumstances has been met by the Applicant. The application therefore has merit and the same is granted followed with the issuance of the certificate of confirmation of grant which apparently has been duly issued and this ruling is for purposes of giving reasons for that instrument which governs distribution of the estate. It is so ordered.

DATED, SIGNED AND DELIVERED VIA CTS AT ELDORET THIS 18TH DAY OF DECEMBER 2025

.....

R. NYAKUNDI

JUDGE

