



In re Estate of Kantaben Ramniklal Naker (Deceased) (Succession Cause E199 of 2023) [2026] KEHC 1158 (KLR) (Family) (5 February 2026) (Ruling)

Neutral citation: [2026] KEHC 1158 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE E199 OF 2023
EKO OGOLA, J
FEBRUARY 5, 2026
IN THE MATTER OF THE ESTATE OF THE LATE KANTABEN
RAMNIKLAL NAKER (DECEASED)**

IN THE MATTER OF

NEETA NAKER 1ST APPLICANT

PALLAVI MAHESHCHANDRA NAKER 2ND APPLICANT

RULING

1. The Summons before the court is dated 28th July 2025. The applicants pray for the following orders:
 - a. That this honourable court be pleased to review its Ruling and/or orders dated 13th February 2024 and the subsequent Certificate of Confirmation of Grant of Probate of the Estate of the late Kantaben Ramniklal Naker (deceased) issued on 13th February 2024 to the said Applicants Neeta Naker and Pallavi Maheshchandra Naker in the following respects:-
 - i. A 20% share in Aarem Investment Partnership (Certificate of Registration Number BN 216099) be included as item no. 4 in the schedule of assets of the deceased.
 - b. That the amended Certificate of Confirmation of Grant reflecting the reviewed item be issued accordingly.
 - c. That the costs of this application be provided for.
2. The summons was based on the grounds set out therein and the 1st applicant's Supporting Affidavit.
3. The applicants deposed that they are executrices of the Estate of the deceased, and at the time of the deceased's death, they were partners of Aarem Investments. However, at the time the Grant of Probate was confirmed, the asset known as 20% share in Aarem Investment (Certificate of Registration



Number BN 216099), belonging to the deceased, was inadvertently omitted. The applicants deposed that the omission was not deliberate but due to an erroneous belief that Aarem Investment was a defunct entity that had no value.

4. The Summons was not opposed.

Determination

5. I have considered the Summons and the entire record of the court. The applicants pray that the Order of this court dated 13th February 2024 and the subsequent Certificate of Confirmation of Grant of Probate be reviewed on the basis of the discovery of new assets belonging to the estate that the executors were not aware of at the time of Confirmation of Grant.

6. The remedy of review of court orders is not directly provided for in the Law of Succession Act and the Probate and Administration Rules, but it is imported into probate practice by Rule 63 of the Probate and Administration Rules, which has adopted a number of procedures from the Civil Procedure rules. Among the imported procedures is the device of review under the Civil Procedure Rules. In the relevant rules on review under the Civil Procedure Rules, an order of the court can be revised on the grounds of an error on the face of the record or discovery of new and important evidence that was not available at the time of the making of the order sought to be reviewed or for any other sufficient reason.

7. Where known assets are omitted from the schedule of the property to be distributed, or the name of a known beneficiary or heir is inadvertently left out of the confirmation application, an application ought to be made for review of the confirmation orders to accommodate the said assets or beneficiaries on the basis that the said assets or heirs were left out by mistake or error. Where assets are discovered after the court has confirmed the grant or a heir or survivor of the deceased who had previously been unheard of materialises after distribution, the court may review its orders made at the point of confirming the grant on the ground of discovery of new and important evidence that was not available at the time the grant was being confirmed.

8. In view of the foregoing, the prayers in the Summons dated 28th July 2025 are granted. The Confirmation of Grant of Probate dated 13th February 2024, be amended to include 20% share in Aarem Investment Partnership (Certificate of Registration Number BN 216099), as item no. 4 in the schedule of assets of the deceased. Costs of the Summons be in the cause.

Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 5TH DAY OF FEBRUARY 2026

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E.K. OGOLA

JUDGE

In the presence of:

N/A for the Applicants

Gisiele Muthoni Court Assistant

