



REPUBLIC OF KENYA



**In re Estate of Mangat (Deceased) (Miscellaneous Succession Application  
E006 of 2020) [2026] KEHC 4012 (KLR) (25 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4012 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS SUCCESSION APPLICATION E006 OF 2020**

**A MABEYA, J  
MARCH 25, 2026**

**IN THE MATTER OF THE ESTATE OF SUKHDEV SINGH MANGAT – DECEASED**

**RULING**

1. Sukhdev Singh Mangat (the deceased) died testate on 14/12/2020 leaving behind a Will that was propounded and a Grant of Probate of Written Will issued on 17/12/2020 to Dilip M. Patel and Tripat Singh Mangat. Dilip M. Patel subsequently died leaving Tripat Singh Mangat as the sole administrator.
2. The grant was confirmed on the 23/2/2021 and the estate was to be distributed equally to the two beneficiaries, Manmeet Mangat & Ranbir Singh Mangat. However, for reasons on record, the distribution of the estate has never been concluded.
3. The deceased's estate constituted 3 major assets;
  - a. Kshs. 47 million fixed deposits held at Diamond Trust Bank set to mature on the 19/4/2025.
  - b. Kshs. 100 million fixed deposits held at Diamond Trust Bank set to mature on the 17/9/2025.
  - c. Land at Kibos LR No. 5450 measuring 172 Acres.
4. This Court, vide its ruling delivered on the 30/4/2025, allowed partial distribution of the estate. The record reveals that the Kshs. 47 million fixed deposits at Diamond Trust Bank that was set to mature on the 19/4/2025 was divided between the deceased's beneficiaries with each getting Kshs. 18 million with the balance of Kshs. 11 million being used to settle liabilities of the estate. It was further agreed between the parties that Kshs. 15 million would be set aside from the Kshs. 100 million fixed deposit held at the same bank and that was set to mature on the 17/9/2025 for purposes of catering to the legal fees of the administrator's previous Counsel, M/S: Otieno Ragot Advocates after taxation as per the ruling of 30/4/2025.
5. Vide Summons dated 10/11/2025, one of the deceased's beneficiaries, Ranbir Singh Mangat sought orders to compel the administrator, Tripat Singh Mangat, to pay him his 50% share of the Kshs. 100 million fixed deposit since it had matured on the 17/9/2025. That the respondent be ordered to file



in court within 14 days', records of accounts over the deceased's estate failure to which he be removed as administrator.

6. The Summons were expressed to be brought under the provisions of sections 47, 83 (e), (g) & (i) and 95 (1) (b) of the [Law of Succession Act](#) as well as Rules 49, 61 & 73 of the Probate and Administration Rules. It was founded on the grounds set out therein as well as the supporting affidavit of Ranbir Singh Mangat deposed on the 10/11/2025.
7. The applicant contended that the respondent had a fiduciary duty to render an account to the deceased's beneficiaries of his handling of the assets of the estate and subsequently distribute the estate of the deceased in terms of the deceased's will and as set out in the Certificate of Confirmation of Grant.
8. That the respondent has contemptuously failed and/or refused to render an account of the deceased's estate breaching this Court's orders of 16/12/2024, 27/2/2025 and 25/3/2025, respectively.
9. That on the 28/3/2025, his Counsel on record received annual reports from the respondent and acknowledged receipt of the same but on the 24/9/2025, the respondent demanded that the applicant sign and acknowledge receipt of the said reports which he did by signing the cover pages only for the respondent, vide an email of 25/9/2025, to insist that he sign every page of the annual reports forwarded.
10. That he objected to signing on every page as the reports were not supported by receipts, vouchers or any other documentation to substantiate the listed entries and expenditure and as such could be construed as his acquiescence to the said expenditure.
11. That to date, the respondent has failed to furnish him with the supporting documents to the account reports and has further failed to pay him his share of the Kshs. 100 million whereas he has distributed to other beneficiaries and instead opted to pay him in monthly installments despite there being no such direction in the Will.
12. That it is thus evident that the respondent has flouted the provisions of the law and has no intention of completing the administration of the deceased's estate.
13. The applicant responded to the summons vide a replying affidavit he swore on the 8/12/2025. He contended that the present application seeking to compel himself and the Trustees to pay the applicant his share of the Kshs. 100 million and to provide documents to him is misconceived, an abuse of court process and an attempt to intimidate him and the Trustees.
14. That the Court was clear in its directions that the estate had to be distributed equally between the beneficiaries without unnecessary drama and that this has happened save for the applicant making it impossible for him to conclude his duties effectively.
15. That he has ensured that the estate accounts have been timeously prepared and shared with the beneficiaries and further that as the norm, the beneficiaries have been receiving a monthly stipend from the estate and thus it was always necessary to account for the distributions.
16. That whereas the applicant's co - beneficiary has always been supportive of his work, the applicant has made his life difficult and he had to arrange medical attention for him as he had become an alcoholic wasting away the money provided for him.
17. That he has never delayed in distribution of the estate but rather the delay had been occasioned by the applicant who has been meddling with the estate by leasing assets and selling off machinery and equipment without his knowledge and that of the trustees in contravention of section 45 of the [Law of Succession Act](#).



18. That consequently, the instant Summons was motivated by the applicant's desire to avoid acknowledgement of previous disbursed sums as well as previous benefits accrued as a result of selling produce and machinery belonging to the deceased's estate.
19. That as a result of his diligent management of the estate, the estate has grown and as such him and the Trustees should be allowed to continue administering and distributing the estate of the deceased and consequently the instant application ought to be dismissed.
20. Manmeet Singh Mangat swore a replying affidavit on the 13/1/2026 in support of the respondent. It was his contention that the Summons by the applicant were an attempt to arm twist the executor and Trustees despite the stellar job they had done. It was contended that the applicant was being taken advantage of by his Counsel on record who appears intent on escalating his legal fees without due regard to the financial impact that has on the deceased's estate.
21. That the Trustees have consistently engaged him and the applicant providing full access to information at all times thus making the motive of the present application questionable.
22. That he has continually received accounts over the estate and received answers to any clarifications sought and if the applicant asserts that he does not have access to the Estate Accounts, then his Lawyer who receives them on his behalf must be questioned on whether he has been keeping information away from his client, whatever reasons the lawyers may have.
23. That the Estate has been well managed, preserved and protected under the stewardship of the current Executor and Trustees, and there has been no misconduct, negligence or mismanagement on their part and thus he strongly recommended that the current Executor and Trustees should continue in their respective roles, as their removal would gravely expose the Estate to persons who have clear intentions of misappropriating, stealing or unlawfully benefiting from the assets of the Estate.
24. That the information sought by the applicant has always been availed to both of them consistently and cannot be based on alleged failure to provide the deed appointing the trustees, a document that is on record in his affidavit and that of Tripat Singh Mangat.
25. That the accounts were provided but have not been concluded as there are pending closure issues occasioned by the applicant who has been meddling with the estate by leasing assets and selling off machinery and equipment.
26. That as far as the taxation is concerned, he is aware that there are references against the 6 decisions made by the Deputy Registrar which are pending determination, matters that the applicant's advocate on record is fully aware of as the matter has been mentioned more than once before the Judge on the issue of the references.
27. I have carefully considered application, the responses and submissions on record. As previously noted on record, it is regrettable that a matter as simple as this where there is an express Will and Trusts created thereunder has not been settled expeditiously as intended by the testator. It has turned out that even an intestate estate is would have been dealt with faster.
28. Be that as it may, the applicant seeks to compel the applicant to pay to him his share of the Kshs. 100 million fixed deposits held at Diamond Trust Bank that matured on the 17/9/2025 and further have the respondent file in Court accounts over the deceased's estate as he has failed to furnish him with supporting documents over the same.
29. This court has on numerous occasions, on the 16/12/2024, 27/2/2025 and 25/3/2025, ordered the respondent to file in Court accounts over the deceased's estate. The respondent has never complied.



The position of Executorship is not a life long position. A testator's wish is that an Executor of his Will moves with expedition to distribute his estate in accordance with his wishes that are contained in the Will. The trusts are to be administered also in line with the Trust Deed. It is not a lifelong job for an executor. The beneficiaries need to access what belong to them and move on.

30. In the present case, it would seem that the respondent has been providing accounts over the deceased's estate to the applicant, a fact admitted by the applicant in his Summons and as such the only issue the applicant has with the said accounts is that there are no supporting receipts for the expenditure undertaken by the respondent. That is not an unreasonable demand. A Trustee is under a duty to account. That is the law.
31. What the applicant had to do is to specify the particular expenses that he was not clear about then it will be for the respondent to supply the required or demanded evidence.
32. The primary duty of a Probate Court is to ensure the distribution of a deceased's estate to its beneficiaries. Rule 73 of the Probate and Administration Rules grants this Court inherent powers to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.
33. As regards, the sharing of the Kshs. 100 million fixed deposits held at Diamond Trust Bank that matured on the 17/9/2025, the record shows that the Court directed that a sum of Kshs. 15 million therefrom be held to await taxation of bills of costs of the respondent's previous Counsel. There is no reason whatsoever the balance thereof should not have been distributed to the beneficiaries. This Court directs that the same be paid forthwith and in default, personal liability attaches to the respondent to the said amount.
34. Finally, as regards allegations that the applicant intermeddled with the deceased's estate. The same remain mere allegations unless proven. The respondent is free and under a duty to take the appropriate legal steps in to protect the estate and he does not need to wait for an application to be made against him for him to raise such issues. There is recourse under the Law of Succession Act.
35. Consequently, acknowledging the delay it has taken to conclude this matter, the following orders commend themselves in the circumstances: -
  - a. The respondent is hereby directed to file an updated record of account of the deceased's estate within 30 days.
  - b. The respondent is hereby directed to immediately share the Kshs. 100 million fixed deposit held at Diamond Trust Bank that matured on the 17/9/2025 equally between the beneficiaries, less the Kshs. 15 million set aside to await taxation of the respondent's former advocates bills of costs.
  - c. In default of compliance, that would amount to contempt of Court that will be actionable accordingly.
  - d. Mention on 21/4/2026 to confirm compliance.
  - e. Each party to bear own costs

It is so ordered.

**DATED AND DELIVERED AT KISUMU THIS 25<sup>TH</sup> DAY OF MARCH, 2026.**

**A. MABEYA, FCI Arb.**

**JUDGE**

