



REPUBLIC OF KENYA



**In re Estate of Sukhdev Singh Sehmbi (Deceased) (Succession Cause E839 of 2023) [2025] KEHC 12328 (KLR) (Family) (31 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 12328 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE E839 OF 2023  
CJ KENDAGOR, J  
JULY 31, 2025  
IN THE MATTER OF THE ESTATE OF SUKHDEV SINGH SEHMBI (DECEASED)**

**BETWEEN**

**PARAMJIT KAUR SEHMBI ..... APPLICANT**

**AND**

**RAJINDER SINGH SEHMBI ..... 1<sup>ST</sup> RESPONDENT**

**KAMALJEET SINGH SEHMBI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The deceased herein died on 15<sup>th</sup> March, 2023. He is survived by the parties herein; the Applicant is his widow, and the Respondents are his sons.
2. The application before the Court is dated 4<sup>th</sup> October, 2024 and the Applicant is seeking the following orders;
  - i. Spent
  - ii. That the court do order that the income generated from the deceased's estate be deposited in an interest generating account where all the beneficiaries are signatories and any withdrawals from the said accounts be done with authority from the court and the consent of all beneficiaries of the estate;
  - iii. That an order be issued to compel the respondents to provide accounts of all income generated from the assets of the deceased from the time of death and be subjected to an independent accounting audit at the expense of the estate;



- iv. That conservatory orders do issue restraining the respondents by themselves, their agent or any persons claiming authority through them from interfering with the applicant's quiet possession of property known as L.R. No. 1/709 Nairobi;
  - v. That costs be in the cause.
3. The respondents oppose the application.

### **The Applicant's case**

4. The Applicant contends that the deceased died testate and appointed the parties herein as executors. She annexed a copy of Will dated 7<sup>th</sup> May, 2020. The Applicant argues that the Respondents, who are her stepsons, have opened separate bank accounts where they are collecting rental income from the estate and running the affairs of the company Kamal Mechanical Engineering Works Limited, thereby intermeddling with the estate.
5. She further has accused the Respondents of interfering with her occupation of the matrimonial home in L.R. No. 1/709, Nairobi.
6. The Applicant further asserts that the Respondents have excluded her from the estate, which she is a dependant.

### **The Respondents' case**

7. The respondents challenge the validity of the Will and denied intermeddling with the estate.
8. According to the Respondents, the property L.R. No. 1/709, Nairobi is registered in the name of their late mother, Baldev Kaur Sehmbi and is not part of the estate of the deceased herein.
9. The Respondents contend that they are directors and shareholders of the company and argue that the income generated by the company belongs to the company itself. They implore the Court to exercise restraint in issuing orders that may impair the company's operations, recognizing it as a separate entity.
10. The Respondents also deny the Applicant's claim of physical threats and intimidation directed at the Applicant.

### **Analysis and determination**

11. The issue for determination is whether the Court should grant the orders sought by the Applicant.
12. The Applicant's prayers are threefold;
  - i. Deposit of the estate's income into a joint account, with withdrawals approved by the court;
  - ii. Provision of accounts on the income generated from the estate's assets;
  - iii. Conservatory orders to allow the applicant to peacefully occupy the property at L.R. No. 1/709, Nairobi.
13. Before this application was heard, the Applicant filed a citation against the Respondents. The Respondents have since filed a Petition for Probate with Written Will. The Petition dated 25<sup>th</sup> July, 2025, by the Respondents has annexed to it, a copy of the Will dated 7<sup>th</sup> May, 2020, which is the same Will that the Applicant annexed to the present application.
14. The Will names the parties herein as executors and trustees and has listed therein the properties as hereunder;



- i. L.R No. 209/8219
  - ii. L.R 1/709
  - iii. Cash in Bank Accounts – Standard Chartered Bank, SBM Bank (Kenya), ABSA Bank (Kenya) and Central Bank of India (Punjab, India)
  - iv. Shares in Kamal Mechanical Engineering Works Ltd.
15. The Applicant has not provided this Court with sufficient evidence to support the rental income associated with the estate. The attached correspondence by one Vijay discusses matters related to tenancy at the company. However, the specifics of the correspondence and the inquiries contained within it do not establish a sufficient basis for proving intermeddling.
  16. There is also no evidence to support the assertion that the Respondents run parallel accounts.
  17. Additionally, there is no evidence to indicate that the estate’s assets are at risk of deteriorating or being wasted in any manner.
  18. The shares owned by the deceased are supposed to devolve to his estate. The Applicant, as an appointed executor and as a beneficiary, has the right to inquire about any transactions involving the company that may impact the deceased’s shares or any actions that interfere with the benefits associated with those shares.
  19. As it stands, though, I have not found evidence of intermeddling.
  20. The Applicant asserts that the property designated as L.R 1/709 is the matrimonial home. In contrast, the Respondents maintain that this property is not part of the deceased’s estate and should therefore not be subject to any claims in the succession cause. As it stands, this issue requires further deliberation in the context of the main succession proceedings, a Petition having been lodged already; the details presented so far at the determination of this interlocutory application do not provide sufficient clarity. No recent search was availed, and neither were the proceedings relating to the separate succession cause for Baldev Kaur Sehmbi availed.
  21. The most suitable course of action in this matter is for the parties to speed up the administration of the estate, as the Petition has already been lodged.
  22. The Applicant is concerned that her peaceful occupation of the property L.R.1/709 is under threat. She has attached an OB extract to demonstrate that she reported this matter to the police. This report was made approximately four months after she filed a petition for the grant of Ad Colligenda Bona, which she later withdrew on 25<sup>th</sup> September, 2024, before submitting the current application. The Respondents assert that they have not attempted to evict the Applicant from any property nor interfered with her peaceful occupation of any premises.
  23. Considering the foregoing analysis, no party will face any prejudice if the status quo is maintained on the property L.R. No. 1/709, Nairobi while the administration and distribution of the estate are being determined.
  24. Disposition;
    - i. Prayers no. 2 and 3 are declined;
    - ii. The status quo obtaining on the occupation of property L.R. No. 1/709, Nairobi, to be maintained pending the determination of the succession proceedings or until further orders of the Court;



- iii. Mention date to be fixed before the Deputy Registrar to confirm approval and or directions on the Petition for Grant of Letters of Administration Testate filed by the Petitioners;
- iv. Costs in the cause.

25. It is so ordered.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 31<sup>ST</sup> DAY OF JULY, 2025.**

.....

**C. KENDAGOR JUDGE**

In the presence of:

Court Assistant: Beryl

Mr. Tirop, Advocate for the Respondents

No attendance for the Applicant

