Objection to Replacement Grant Based on Contested Family Status

Educational sample 349 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

SUCCESSION CAUSE NO [reference]

IN THE ESTATE OF [DECEASED]

OBJECTION TO MAKING A GRANT

1. The Objector opposes appointment of [petitioner] to the extent the petition fails to disclose [identified interested persons or related estate proceedings]. The Objector claimed relationship is [actual assertion and supporting basis]. This wording does not treat the assertion as a proved legal status.

2. The Objector requests an opportunity to produce genuine evidence of the relationship through [deceased child] and identify any right relevant to this particular appointment. Rights in that deceased child estate are distinguished from a direct entitlement in the original deceased estate.

3. The petition inventory and proposed authority must remain limited to the original deceased property interest. The Objector identifies [specific omitted fact or document] and explains its effect on appointment priority. General allegations of fraud require actual material particulars and evidence.

4. The Court is requested to give the appropriate objection, answer and cross-application directions where required, with service on all interested persons. Any separate family-status or estate dispute must be identified accurately rather than used to merge legally distinct administrations.

5. The Objector seeks the disposition supported by proved standing and the appointment rules. In the reported case this objection was dismissed, and the disputed family status remained for later proceedings. No inference is made that fostered or adopted persons are invariably excluded from succession.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Use the applicable prescribed objection and subsequent answer and cross-application process under sections 68–69 and probate rule 17, including proper service and directions. Establish standing and disclose contested family status accurately. This substantive specimen is not a complete prescribed filing form. This is an unsuccessful historical position reconstructed for instruction. Use the proper section 68–69 and probate rule 17 objection, answer and cross-application process; grounds of opposition alone are not the prescribed objection form. Apply the Probate and Administration Rules and the actual succession Court directions, rather than assuming ordinary civil motion procedure. Protect any minor or person lacking capacity.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

An estate originating from a 1972 death included a one-third undivided interest in a Mombasa property. The sole holder of the unconfirmed 2020 grant died in 2021. A grandson sought a de bonis non grant; an objector claiming a foster relationship through another deceased son opposed appointment.

The Court revoked the inoperative grant, appointed the grandson to administer the unadministered estate and dismissed the objection. He was directed to collect and gather assets without distribution before confirmation. The objector contested family status was left for subsequent proceedings; each party bore its costs.

Section 76(e), appointment priority and probate procedure address the death of a sole administrator. Separate estates and their shares must not be conflated. Because the original death predated 1 July 1981, section 2(2) requires checking the applicable historical substantive succession law; administration and confirmation remain distinct. This case does not establish a universal exclusion of foster or adopted children.

[2025] KEHC 9157 (KLR) - 19 June 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/in-re-estate-of-naja-jehangir-austin-deceased-2025-kehc-9157-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/in-re-estate-of-naja-jehangir-austin-deceased-2025-kehc-9157-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.