# Summons for Revocation of a Grant Concealing a Customary Spouse

Educational sample 211 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

## Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI MILIMANI FAMILY DIVISION

SUCCESSION CAUSE NO [correct reference]

IN THE ESTATE OF [DECEASED] — [APPLICANT] AND [RESPONDENT]

SUMMONS FOR REVOCATION OR ANNULMENT OF GRANT

1. LET [administrators and affected parties] attend this Court on [date and time fixed by the registry] in Succession Cause [number], in the estate of [deceased], for determination of this summons under section 76 of the Law of Succession Act and rule 44 of the Probate and Administration Rules.

2. The Applicant seeks revocation or annulment of the grant issued on [date] and confirmed on [date], because the petition concealed the Applicant alleged marriage to the deceased and represented that the deceased was survived only by the children listed in it.

3. The Applicant asks the Court to determine spousal status from the actual marriage and witness evidence, and to exercise section 66 discretion in appointing suitable joint administrators. The proposed representatives are [identities and consents]; the interests of the children, including any minors, must remain protected.

4. The Applicant further seeks production of a full inventory of assets and liabilities and an account of all estate dealings to [court-directed date], with directions on fresh confirmation if a new grant issues. These prayers do not claim immediate sole ownership or distribution before proper confirmation.

5. The grounds and administration status are set out in the accompanying rule 44 affidavit. The Applicant asks for service directions upon all affected parties, a hearing and appropriate costs. No disputed disposal of a vehicle is treated as authorised merely because the Applicant asserts marriage.

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

## Use and evidence notes

Use the actual existing succession cause. Section 76 and Probate rule 44 require the proper grounds, a Form 107 summons and the applicant affidavit in Form 14 identifying the grant and known administration status. This is reconstructed substantive wording, not a completed prescribed form. Obtain registry hearing and service directions; identify every affected person and any minor. Revocation, fresh appointment and confirmation are different stages. The reported marriage evidence contained date discrepancies. Recognition of marriage did not dispose of every vehicle allegation or award the whole estate. The 2025 compliance timetable is historical.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

## Source and procedural limits

An alleged customary spouse was omitted from a petition describing only three children. She, her father and a maternal uncle gave oral evidence of the marriage ceremony and cohabitation; administrators disputed marriage and raised vehicle dealings. A grant issued in April 2022 had been confirmed in January 2023. Witness accounts contained differences requiring evaluation.

The Court found a Kamba customary marriage and wilful concealment. It revoked the grant and ordered a fresh joint grant to the spouse and the three existing administrators, inventory and accounts by 29 October 2025, fresh confirmation within 60 days and a compliance mention. No costs were awarded. It did not give the spouse the whole estate or approve disputed vehicle transactions.

Section 76 and Probate rule 44 govern revocation; section 66 leaves appointment to the Court best-interest discretion. A spouse priority does not automatically require sole administration. Establish customary marriage through actual evidence, not an affidavit alone. Minor beneficiaries and all estate dealings remain material. Historical compliance dates are not current filing deadlines and do not prove later compliance.

[2025] KEHC 13024 (KLR) — 19 September 2025. Original judgment: https://sheriahub.com/cases/ke/caselaw/in-re-estate-of-len-bomett-decesaed-2025-kehc-13024-klr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.