



**In re Estate of Pietro Rossini (Deceased) (Succession Cause 44 of 2015) [2023] KEHC 21671 (KLR) (26 July 2023) (Directions)**

Neutral citation: [2023] KEHC 21671 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MALINDI  
SUCCESSION CAUSE 44 OF 2015  
SM GITHINJI, J  
JULY 26, 2023  
(FORMERLY GARSEN SUCCESSION NO.43 OF 2016)  
IN THE MATTER OF THE ESTATE OF PIETRO ROSSINI(DECEASED)  
WINNIE KAMENE PETER.....PETITIONER  
VERSUS  
ROSSINI OMAR.....OBJECTOR**

**DIRECTIONS**

1. This matter had been scheduled for judgment today after the petitioner was heard on May 10, 2022. The objector was never heard as he did not testify nor challenge the petitioner’s evidence on cross examination.
2. I have perused the entire file and realized that there are legal procedural lacunas that render the matter not ready for judgment. Letters of administration intestate in respect of the estate of Pietro Rossino were granted to the Petitioner herein Winnie Kamene Peter on September 17, 2015. The objector filed an objection which seems to have been abandoned along the way.
3. The petitioner however, did not file an application for confirmation of grant as dictated by the provisions of Section 71 of the *Law of Succession Act*. In the circumstances therefore, the court directs that the Petitioner does file a substantive application for confirmation of grant. In the event of any objection by the objector, the evidence of the petitioner on record may be adopted for consideration on the issue and should the objector wish to cross examine her on the same, such be allowed. The matter shall be mentioned on December 13, 2023 to confirm filing of the application.

**DIRECTIONS READ, SIGNED AND DELIVERED VIRTUALLY AT MALINDI THIS 26<sup>TH</sup> DAY OF JULY, 2023.**

.....  
**S.M. GITHINJI**



**JUDGE**

**In the absence of the parties;-**

They be notified.

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**S.M. GITHINJI**

**JUDGE**

**26.7.2023**

