



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**SUCCESSION CAUSE NO. 23 OF 2018**

**IN THE MATTER OF THE ESTATE OF THE LATE ANNA WANJIRU GATHEGE ALIAS ANNE WANJIRU GATHEGE  
ALIAS ANN WANJIRU GATHEGER (DECEASED)**

**DAVID MWANGI NDIRANGU.....APPLICANT /OBJECTOR**

**VERSUS**

**JOSEPH MAINA GATHEGE.....1<sup>ST</sup> PETITIONER/RESPONDENT**

**MARY MUTHONI MWANGI.....2<sup>ND</sup> PETITIONER/ RESPONDENT**

**DIRECTIONS.**

1. The court has perused the pleadings herein and in particular the application dated 7<sup>th</sup> February 2020 in which the applicant seeks to revoke the grant issued to the respondents. A clear look at the application indicates that the applicant claims to have been the husband to the deceased and the respondents the daughter and cousin respectively.
2. There is also a critical issue whether the applicant married the deceased under the tenets of Kikuyu customary law. Although there is an affidavit sworn to that effect it is the view of this court that all the above must be subjected to *viva voce* evidence.
3. In the premises let this matter proceed to a full trial. The applicant shall be the plaintiff and the respondents the defendants. Meanwhile the *status quo* of the estate as at the time of this directions be and is hereby maintained pending the determination of the objection herein.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAKURU THIS 29TH DAY OF APRIL 2021.**

**H K CHEMITEI**

**JUDGE.**