



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1619 OF 2012

LUCY NDUTA NJENGA.....APPLICANT

VERSUS

JOHN KAGONE MWERU.....1ST RESPONDENT

MEDRINE MUTHONI JOSPETER.....2ND RESPONDENT

IN THE MATTER OF THE ESTATE OF BONIFACE NJENGA MWERU (DECEASED)

RULING

1. The deceased **Boniface Njenga Mweru** (the deceased) died intestate on the 4th of June 2011 at Githunguri. On the 20th July 2012 **Jacinta Wangui Njenga (Jacinta)** filed a Citation to accept or Refuse letters of Administration Intestate to **Lucy Nduta Njenga (Lucy), Jane Wanjiru Njenga, Morgan Wanyugi Njenga, Mary Mweru Njenga, Medrine Muthoni Jospeter** and **Peter Mucangi Gitari** informing them that they were one of the persons entitled to share the estate of the deceased. They were required to show cause why the grant should not be issued to Jacinta Wangui Njenga
2. On the 20th of September 2012 **Jacinta** filed a petition for grant of letter of administration intestate. As per the said petition she indicated that the wives of the deceased as **Jacinta Wangui, Lucy Nduta Njenga (Lucy)** 2nd wife and **Medrine Muthoni Jospeter((Medrine)** 3rd wife, the other beneficiaries were their children, listed as follows; **Michael Wanyugi Njenga, Lucy Mweru Njenga, Thomas Karanja Njenga (Thomas), Nancy Njeri Njenga, Jane Wanjiru Njenga, Morgan Wanyugi Njenga, Mary Mweru Njenga, Peter Mucangi Gitari, Sarah Njeri Njenga (minor), Ruth Njeri Njenga(minor) and Caroline Wawira (minor).**
3. On the 6th April 2016 Lucy filed a cross petition for a grant of letters of administration together with a Notice of Objection and a Chamber Summons dated 4th April 2016. In her affidavit in support of the Cross Petition she avers that she is the 2nd wife of the deceased and she lists the deceased's assets and surviving beneficiaries.
4. On the 14th November 2011 the Deputy Registrar indicated that the parties had not reached a settlement after being refereed to mediation. On the 19th December 2017 a grant of letter of administration intestate was issued to the Public Trustee. After the appointment of the Public Trustee directions on the way forward were taken that the Public Trustee identifies the assets comprising the estate and the potential beneficiaries and that in the event the parties are unable to agree on distribution of the estate the public trustee will take direction on the hearing of the issue on who are the beneficiaries and/ or dependants of the deceased's estate.

5. The parties set down the matter for hearing. Parties filed witness statements and documents in support of their evidence. The petitioner appeared in person. She called her son **Thomas Karanja Njenga** as witness. Lucy and Medrine were represented. Lucy called 5 witnesses and Medrine and the John (1st Respondent) called 3 witnesses. Parties adduced viva voce evidence they adopted their written statements. I shall proceed to summarise their evidence.

6. The petitioner and her witness adduced the following evidence; the deceased was her husband. They got married in 1974 and were blessed with 4 children, Thomas, Nancy, Michael and Lucy. They bought property together. On the date her husband died she was seriously ill and hospitalised abroad and therefore could attend the burial. Lucy called her and asked if she could allow the burial to go on. She returned to Kenya in 2011. The chief of Githiga and Ikinu D.O refused to give her the deceased's death certificate. She stated that Lucy and Medrine were not married to the deceased. According to Thomas, his father was well known to him. His father employed Lucy Nduta as a caretaker to take care of tea he had planted. Medrine was also working as a care taker for an old and sick widower called James Nganga Murungu a vendor in the deceased's farm. After Lucy left the farm the deceased agreed to take care of the 2 girls after the intervention of their grandmother. The deceased thereafter sought the help of Medrine. At the time of the death of their father Medrine denied being the deceased's wife.

7. Lucy called 5 witnesses. They were, **Hannah Muringa Kagundo (Hannah)**, **Francis Wanjugi Mweru (Francis)**, **Mary Mweru Njenga (Mary)**, **Lucy Nyambura Mbugua (Nyambura)** and **Sarah Njeri Njenga (Sarah)**. **Lucy (DW6)** testified that she married the deceased in 1981 in Githiga. They sired 5 children Jane Wanjiru born in 1981, Morgan Wanjugi Njenga born in 1982, Mary Mweru Njenga born in 1994, Sarah Njeri Njenga born in 1995 and Ruth Njeri Njenga born in 2000. They lived together in Githiga. The deceased was once a councillor and later he became a businessman. She also started a business after sometime and had to move to Wangige. She hired a house help Medrine to look after their children as she lived in Wangige. They gave Medrine a rental house to stay in within the plot. In 2007 she moved to South Sudan to do business. She was still working in South Sudan in 2011 when the deceased died. She would travel from South Sudan to visit her family. She travelled back home in June 2011 when the deceased died. Medrine was still in their home as a house help. She found out that the 1st Respondent John Kagone had taken all the documents from the house. Kagone added Medrine's name in the eulogy despite the family's objections. During the funeral arrangements Medrine told her that she had become a wife. She told Medrine that she had no time to discuss that as they were arranging the burial. At that time Medrine moved her things into a room. She (Lucy) was the only wife present at the burial. Jacinta returned 4 months after the burial. Medrine was inserted in the eulogy as a wife by Kagone the 1st Respondent, against their objections. Kagone took documents belonging to the deceased. During cross examination she denied being chased away by the deceased in 1999. She admitted that they disagreed she moved to Gatundu but she returned to their matrimonial home. She denied abandoning her children. She explained that they hired Medrine because the work was a lot and they needed someone to look after the children. Currently she lives in Githiga. She has no grudge with Medrine. They both live in the same compound. She denied selling or wasting the deceased's properties. **Hannah (DW1)** testified that the deceased was his neighbour in Githiga. The deceased and Jacinta, his wife, had a disagreement and Jacinta left together with her children and she did not return. Later on he married Lucy and they got 5 children. She knows that Medrine was employed in the said home as a house help. Medrine's children did not live in the said home. She heard Medrine claim during the funeral arrangements that she was a wife. Medrine had no children with the deceased. **Francis (DW2)** testified that he is the older brother of the deceased. They lost their parents early in life and he was left in charge of his siblings. According to him Jacinta was the deceased's first wife. They lived in Githiga and were blessed with 4 children. Jacinta left with the children and she had a dispute with the deceased. After some time the deceased married Lucy the 2nd wife. He attended the Ruracio at Lucy's home as a representative of his parents. He does not know about a 3rd wife. He used to see Medrine in Njenga's home. The deceased introduced Medrine as a house help. He is the family representative he did not attend Ruracio at Medrine's home. He heard Medrine claim to be a wife during the funeral arrangements. **Mary (DW3)** testified that she is the daughter of the deceased and Lucy, born in 1994. They lived in Githiga as family. She was in school when her father died. She heard during the funeral arrangements that Medrine wanted to be added as a wife. Medrine was their house help. Medrine lived in a room in their house before the death of their father. Medrine was not her father's wife but an employee. **Nyambura (DW4)** testified that she met Lucy and the deceased in 1989

when they moved to Githiga. They were close family friends. Medrine was the house help of the deceased's family. She was still their employee when the deceased died. Medrine denied that the deceased was her husband the day he died. Later she heard that while the eulogy was being written Medrine claimed to be a wife. At the burial the only wife who was present was Lucy, Jacinta was represented by Karanja. **Sarah (DW5)** testified that she is the daughter of the deceased and Lucy, born in 1995. They lived in Githiga. She recalled that during the funeral arrangements Medrine wanted to be added as the deceased's wife. Medrine was their house help and not her father's wife. Her father did not take care of Medrine's children. She accompanied her father to a ceremony called "Kamweretho" in Meru which Medrine held to appreciate her parents. It was not a Ruracio ceremony. Her father went to the said ceremony as Medrine's employee.

8. **Medrine and Kagone** (the 2nd Respondent and 1st Respondent) (**DW11 & DW10**) called 3 witnesses, namely; Richard Gichuka Njenga (**Richard- DW7**), Severino Njeru Chabari (**Chabari - DW8**), John Joseph Kamau (**Joseph-DW9**). **Richard** and **Joseph** filed a joint statement which they adopted as their evidence. They testified that they are witnesses of Medrine. The deceased had 3 wives Jacinta 1st wife, Lucy 2nd wife and Medrine 3rd wife. That the 3rd wife went to stay with the deceased after the 1st wife moved out and that she lived with the deceased until his demise. That they witnessed his marriage with all three wives. The deceased was very close to them. The 3rd wife assisted him to develop most of the properties. The 2nd wife left him with 4 children who were taken care off by the 3rd wife until they were of age. That Medrine is indeed the deceased's 3rd wife. Richard's further evidence in court was that when they went to Medrine's parents home in May 2008 the deceased had Kshs.15,000/- and he added him Kshs. 2000/-, they collected Kshs. 30,000/- which was given to Medrine's uncle, plus Njenga also gave Medrine's parents various gifts. That the deceased went to inform Medrine's parents that she was his. During cross examination he stated that when they visited Medrine's home they went to plant a twig, that the deceased did not complete the process of a traditional marriage, he only went to know the home of Medrine's parents. That the ceremony was known as "Ithigi". They paid Kshs. 2000/- for the goat. That dowry is a process and it does not end. Joseph in his evidence testified further that he accompanied the deceased in April 2000 to visit the Medrine's home. He also accompanied the deceased in 2008 to know the home of Medrine's parents and to inform that she was under his care. They returned in May of 2008 and the deceased gave Kshs. 30,000/-, Kshs. 10,000/- for "Ithigi" and Kshs.20, 000/- for "*mwati ya kiria*" and gifts to declare his intentions of marrying Medrine. He admitted that the deceased did not return to perform the **Ruracio**.

9. **Chabari** testified that Medrine is his sister who was married to the deceased under both Kikuyu and Meru customary rites in the year 2000 around January. He learnt later that the deceased had 2 wives with whom they had separated. Medrine was the only one staying with him and Lucy's children who she brought up. Medrine and the children visited their parents at their Chuka home. He visited Medrine and the deceased at Githiga. The deceased also visited their parents and had a lot of respect for his parents in law. Around 2008 the deceased visited their home to inform his parents that he had married Medrine, he sought the blessings of their parents. The ceremony lasted 4 hours and the deceased promised to return. His father was given Kshs.30, 000/- . According to him Medrine was married to the deceased and stayed with him from 200 to 2011. During cross examination he stated that the 2 children Medrine were not the deceased's children and that he is not sure if the deceased adopted them.

10. **Kagone** testified that the deceased was his brother. That at the time of his death he was staying with his 3rd wife Medrine whom he married in 2000 after his 2nd wife Lucy disappeared to an unknown place abandoning the deceased with the children. After Lucy abandoned him they urged him to marry another wife to help him raise the children Lucy left behind. He stayed with Medrine for 10 years before his demise. That his brother told that there was need to visit Medrine's parents as the custom dictates which they later did. They visited Medrine's parents in 2000 and 2008. In 2008 they took dowry they paid Kshs. 30,000/-. Jacinta separated with the deceased after they quarrelled and stayed away for many years. Jacinta left with their children. The family put Medrine's name in the eulogy as a wife of the deceased. He was close to the deceased who informed him that Medrine was the wife.

11. **Medrine** testified that she was got to know the deceased in 1999 at Karia Farm in Kiambu County

where she was working. In December she met with the deceased and the 1st Respondent. He told her he was looking for a wife. After lengthy discussions in January 2000 the deceased took her to his home and introduced her to his children who were home at that time. The deceased went to their home officially in April 2000. He informed her people that she had found a home. They stayed together as husband and wife from January 2000 up to 4th June 2011 when the deceased was killed by thugs. They constructed a stone house and moved into it with the children in March 2007. She bonded well with the children and they called her mum. In 2008 the deceased formally visited her parents' home to introduce himself and he gave them money and assorted gifts. The deceased was accompanied by a few relatives and friends. He was close to her parents and took care of them. The difference between her and Lucy began when she wanted to forcefully occupy her house. Lucy referred to her as her maid and refused to recognise her as her co wife. She gave Lucy a room to occupy during the burial arrangements. Lucy tried to eject her. Later she moved to the upper room and left the main house to Lucy. That Lucy ran away to South Sudan in 2000. During her husband's death she was introduced as the mother of the children Lucy abandoned. That the deceased died intestate leaving behind three (3) wives and children surviving him who are all entitled to inherit her estate.

12. The applicant and the Respondents filed their written submission. The Petitioner did not. I have read and considered the said submissions. The applicant submits that there is no dispute that Jacinta was the deceased's first wife and that Lucy was his 2nd wife by way of customary marriage. That this was established through the evidence adduced and also from the fact that Lucy and the deceased cohabited for a long time and therefore it was clear that from the long cohabitation there was a presumption of marriage between the deceased and Lucy. For this argument the applicant relied on the following cases; *MNM vs DNM & 13 others [2017] eKLR*, *Gitunga vs Gitunga (1983) KLR 575*, *Mary Wanjiku Githatu vs Esther Wanjiru Kiarie [2010] eKLR*, *Philis Njoki Karanja & 2 Others vs Rosemary Mueni Karanja & Another NRB CA Civil Appeal No. 313 of 2001 [2009] eKLR* and *Beth Nyandwa Kimani vs Joyce Nyakinywa Kimani & Others (2006) eKLR*. On whether Medrine was the deceased's 3rd wife it was submitted that the 2nd Respondent had failed to establish that she was married to the deceased, as her witnesses gave contradictory evidence. That the applicant evidence sufficiently refuted the 2nd respondent's allegation that Medrine was a wife. On the beneficiaries of the deceased's estate it was submitted by the applicant that the court should be guided by the Law of Succession Act and the Court of Appeal decision in the case of *M N M vs D N M & 13 others* (supra). That the court should find that the deceased had 2 wives Jacinta and Lucy and their children who are also beneficiaries of the deceased's estate. That the deceased was not the biological children of the 2nd respondent and there was no evidence adduced that he has assumed parental responsibilities over the 2nd Respondent's children during his life time.

13. The Respondents submitted as follows in brief; that applicant introduced new issues other than those pleaded in her cross petition. On whether the respondents had intermeddled with the deceased's estate it was submitted that the applicant had failed to prove this allegation as plots were allocated to the parties after a meeting that was held. On whether the 2nd respondent and her children are entitled to a share of the deceased's estate it was submitted that as the deceased's 3rd wife she was legally entitled to his estate including her two children as she lived with the deceased for 11 years with her children whom the deceased cared for as his own, thus they too are the deceased's beneficiaries. That there was long and uninterrupted period of cohabitation between the deceased and Medrine and they conducted themselves as husband and wife during the period of cohabitation.

DETERMINATION

14. The issues for determination in this matter are;

- i. Who are the ascertained wives of the deceased?
- ii. Who are the beneficiaries of the deceased?

Who are the ascertained wives of the deceased?

In determining this first issue on who are the wives of the deceased, I have considered the evidence adduced by the parties, the rival submissions and authorities cited to support their evidence adduced. It is not in dispute that Jacinta married the deceased in 1974 under the African Christian Marriage Act in 1974 and that they separated with the deceased in 1979. She sired 4 children with the deceased as listed in the petition. Jacinta returned after the demise of the deceased. Jacinta is therefore the deceased's first wife.

Lucy claims to be the 2nd wife. Her evidence which is corroborated by her witnesses is that she married the deceased sometime in 1981 after Jacinta left the deceased and that they sired 5 children. It was her evidence that the deceased paid her dowry and that they lived as husband and wife and that at no time did they separate as alleged as what took her away from her matrimonial home was her business which took her to South Sudan and that she would visit her home often. She denied deserting the deceased and her children. Having evaluated the evidence I find that Lucy has demonstrated that she had a customary marriage with the deceased and they sired 5 children. The deceased's brother confirmed that he accompanied his brother the deceased to pay dowry. There is also the evidence of their 2 daughters who confirmed that the deceased was their father and that they lived in Githiga with their mother and father. Lucy relies on **section 3 (5) of the Law of Succession Act Cap. 160** which provides as follows;

(5) Notwithstanding the provisions of any other written law, a woman married under a system of law which permits polygamy is, where her husband has contracted a previous or subsequent monogamous marriage to another woman, nevertheless a wife for the purposes of this Act, and in particular sections 29 and 40 thereof, and her children are accordingly children within the meaning of this Act.

In the case of **M N M vs. D N M K & 13 others [2017] eKLR** the Court of Appeal held as follows;

“Having found E a widow of the deceased by virtue of the presumption of marriage, we do not see why she cannot be a beneficiary under section 3(5) of the Law of Succession Act. That provision provides as follows:

“3(5) Notwithstanding the provisions of any other written law, a woman married under a system of law which permits polygamy is, where her husband has contracted a previous or subsequent monogamous marriage to another woman, nevertheless a wife for the purposes of this Act, and in particular sections 29 and 40 thereof, and her children are accordingly children within the meaning of this Act.

The section was introduced in 1981 by the **Statute Law (Repeals & Miscellaneous Amendments) Act, No. 10 of 1981**. The purpose of the amendment was to mitigate the rigours of decisions such as ***Re Ruenji's Estate (supra)*** and ***Re Ogola's Estate (supra)***, which did not recognise as beneficiaries widows and children born from a union of a man already married under statute and another woman during the subsistence of the statutory marriage. To the extent that a marriage arising from a presumption of marriage is a marriage that is potentially polygamous, the prior monogamous marriage of the deceased to M would not preclude E from being recognised as a beneficiary of the deceased. (see ***Irene Njeri Macharia v. M Wairimu Njomo & Another, CA No 139 of 1994, Miriam Njoki Muturi v. Bilha Wahito Muturi, CA No. 168 of 2009 and Muigai v. Muigai & Another [1995-1998] 1 EA 206***).

Lucy in my view fulfilled her obligation of proving that there was a customary marriage between her and the deceased. Her brother in law's evidence confirmed that they paid her dowry and that she was recognised as the deceased's 2nd wife after the departure of Jacinta. Lucy and the deceased established their matrimonial home in Githiga after their marriage. They began cohabiting from 1981 and was still recognised as deceased's wife in 2011 when he died. Even if I were to consider the evidence that Lucy left her matrimonial home in 1999 or 2000. The period that she consistently lived with the deceased was about 18 years, which was a period of long cohabitation and in my view marriage was presumed under the circumstances. I therefore find that Lucy was the deceased's 2nd wife.

I now turn to Medrine's case. Medrine came into the picture during Lucy's marriage with the deceased. Lucy

alleges that Medrine was hired in as a house help to her children to look after their children as her business expanded and that she had to move to areas the business was being conducted. This fact was vehemently denied by Medrine. According to Medrine it is the deceased who sought after her in December of 1999 and asked her to be his wife and that she moved in in 2000 and stayed with him till 2011 when he was shot and killed. She called her brother and brother in law and friends of the deceased who testified that they accompanied the deceased's to Medrine's home and that the deceased expressed his interest to Medrine's parents that he had intentions of marrying her. From the evidence adduced this happened in 2008. Her witnesses agreed that the deceased did not complete the process of kikuyu customary marriage, so what status did Medrine hold, was she a wife or a house help. The fact that she was a house help is disputed by Medrine, Lucy on the other hand claims that Medrine was their house. Each party called witness to support or dispute this fact. The children of the deceased who lived with the deceased at a tender age could not know the relationship their father had with Medrine. From the evidence all I can gather is that at one time Medrine moved into the deceased's home and stayed on till the deceased. Her status of being a house help could have been there before the deceased took her in as a wife. It is apparent that between the year 2000 and 2011 Lucy was not in her matrimonial home, and Medrine assumed the duties of looking after Lucy's children and the homestead and later had a relationship with the deceased.

He who alleges that they had a customary marriage has the onus to prove it. From the evidence adduced Medrine has adduced sufficient evidence to demonstrate that the deceased visited her parents and expressed an intention to marry her, no dowry was paid after the said visit, there was no Ruracio. However there is evidence from persons who knew them, the deceased's brother John Kagone, Severino and the 2 friends of the deceased who saw them live as husband and wife from 2000 to 2011. **Section 119 of the Evidence Act Cap. 80** provides that , “ *the court may presume the existence of any fact which it thinks likely to have happened regard being made to the common course of natural events, human conduct and public and private business, in their relation to the facts of the particular case*”

In the case of **Mary Wanjiku Githatu vs Esther Wanjiru Kiarie**(supra) the Court held that;

“The existence or otherwise of a marriage is a question of fact. Likewise, whether a marriage can be presumed is a question of fact. It is not dependent on any system of law except where by reason of a written law it is excluded.....However, in circumstances where parties do not lack capacity to marry, a marriage may be presumed if the facts and circumstances show the parties by a long cohabitation or other circumstances evinced an intention of living together as husband and wife”

Whilst dealing with the issue of presumption of marriage the Court of Appeal in the case of **M N M vs D N M K & 13 others** [2017] eKLR held as follows;

*“In the **Hortensia Wanjiku Yawe v. Public Trustee**(supra), Wambuzi, P. noted that the presumption of marriage has nothing to do with the law of marriage as such, whether this be ecclesiastical, statutory or customary and that the presumption is nothing more than an assumption arising out of long cohabitation and general repute that the parties must be married irrespective of the nature of the marriage actually contracted. He emphasized that it may even be shown that the parties were not married under any system. (Emphasis mine)*

Madan, JA (as he then was) articulated the rationale of the presumption of marriage in the following famous words in **Njoki v. Mutheru** [2008] 1 KLR (G&F) 288:

“It is a concept born from an appreciation of the needs of the realities of life when a man and woman cohabit for a long period without solemnizing their union by going through a recognized form of marriage, then a presumption of marriage arises. If the woman is left stranded either by being cast away by the “husband”, or because he dies, occurrences which do happen, the law, subject to the requisite proof, bestows the status of “wife” upon the woman to enable her to qualify for maintenance or a share in the estate of her deceased “husband” (emphasis mine)

The onus is on the person alleging that there is no presumption of marriage to prove otherwise and to lead evidence to displace the presumption of marriage (**Mbogoh v. Muthoni & Another**.(supra).

Mustapha, JA added in Hortensia Wanjiku Yawe v. Public Trustee (supra) that long cohabitation as a man and wife gave rise to a presumption of marriage in favour of the wife and that only cogent evidence to the contrary can rebut such a presumption. (See also Kimani v. Kimani & 2 Others (supra).

From the evidence adduced am satisfied that after Lucy left the matrimonial home sometime between 1999 and 2000 thereafter Medrine began cohabiting with the deceased. This was from 2000 to 2011 a period of 10 years. Presumption of marriage can be drawn from long cohabitation and acts of general repute (see **Phylis Njoki Karanja & 2 Others vs Rosemary Mueni Karnaja & another [2009] eKLR**. Medrine was therefore the deceased's 3rd wife.

Section 3 defines wife "wife" includes a wife who is separated from her husband and the terms "husband" and "spouse", "widow" and "widower" shall have a corresponding meaning;

Section 29 defines who is a dependant. It states "Meaning of dependant

For the purposes of this Part, "dependant" means—

(a) The wife or wives, or former wife or wives, and the children of the deceased whether or not maintained by the deceased immediately prior to his death;

In determining the 1st issue I therefore find the deceased left behind 3 wives, 1st wife Jacinta, 2nd wife Lucy and 3rd wife Medrine and each are entitled to a share of his estate.

15. The next issue is who are the beneficiaries of the deceased's estate. It is not in dispute that the deceased had 4 children with the deceased and that Lucy had 5 children. Medrine did not have any children with the deceased. The children of Jacinta and Lucy are beneficiaries of the deceased's estate. It was Medrine's evidence that the deceased did not perform the rites under Meru customs to adopt her 2 children. Her evidence that the deceased supported her children was not sufficiently proved. I therefore find that her two children are not dependants of the deceased's estate. She is the only dependant.

16. The respondents in their submissions stated that the applicant had introduced new issues other than those pleaded. The said issues were not explained or pointed out clearly in the said submission for this court to make a determination. It was agreed at the hearing of this matter that the 2 issues dealt with in this ruling were the ones for determination.

17. The finally orders are as follows;

- i. **Jacinta, Lucy and Medrine** are wives of the deceased. Jacinta being his 1st wife, Lucy the 2nd wife and Medrine the 3rd wife.
- ii. The children of Jacinta and Lucy born whilst married to the deceased are beneficiaries of the deceased's estate.
- iii. Medrine's two children are not beneficiaries of the deceased's estate.
- iv. The 3 wives shall hold a meeting within 30 days to discuss who shall be administrators of the deceased's estate, if need be, as I note that the Public Trustee was appointed the administrator. They shall also identify the deceased's assets and propose the mode of distribution.
- v. Within 60 days from the date of this Ruling the parties shall move the court to have the grant issued in the names of the administrator or administrators.
- vi. Each party to bear its own costs. It is so ordered.

Dated, signed and delivered at Nairobi this 23rd day of January 2020.

R. E. OUGO

JUDGE

In the presence of;

Petitioner in Person

Mr. Kimondo h/b for M/s Kioi For the Applicant

Mr. Gekonge h/b Mr. Mitambo For the Respondents

Ms. Charity Court clerk