



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERUGOYA

SUCCESSION CAUSE NO. 85 OF 2013

(formerly Embu Succ No. 179 of 2010)

IN THE MATTER OF THE ESTATE OF GRACE MUTHONI KIONGO.....(DECEASED)

AND

EPHRAIM KIONGO KIMANI.....PETITIONER

V E R S U S

CATHERINE WAIRIMU GATANG'I.....APPLICANT

RULING

1. The petitioner Ephraim Kiongo Kimani was issued with grant of letters of administration of the estate of Grace Muthoni Kiongo on 08/07/2010. He proceeded to apply for confirmation of the Grant on 11/03/2011 and stated that the deceased was survived by the following children:

- **John Kabiru Kiongo**
- **Grace Muthoni Kimani**
- **Ephraim Kiongo Kimani**
- **David Njeru Kimani**
- **Lydia Nyawira Kimani**
- **Zelipah Wamwirua Kimani**

2. The protestor John Kabiru Kiongo filed an affidavit of protest on 10/4/2013 while Joe Ephraim Kimani filed an affidavit of objection on 30/08/2013.

3. An application for substitution dated 29/06/2017 was filed by Elijah Kiamny Mary seeking to substitute Mary Wanjiku Murithi a beneficiary. The court on 17/10/2017 allowed the application for substitution.

4. Later another application for substitution dated 19/12/2018 was filed by Catherine Wairimu Gatang'i seeking to substitute the objector herein Joe Ephraim Kimani. The application is not opposed.

5. The said Catherine Wairimu has already obtained a Grant of Letters of Administration ad litem for the purpose of substituting the objector. She is therefore the rightful person to substitute the objector. The application dated 19/12/2018 is allowed as prayed.

Dated at Kerugoya this 24th Day of April 2020.

L. W. GITARI

JUDGE