

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 28 OF 2020

IN THE MATTER OF THE ESTATE OF THE LATE WALTER ROBERT GLENIE (DECEASED)

EUNICE WANJIRU KAIGAI.....APPLICANT

R U L I N G

1. The Applicant Eunice Wanjiru Kaigai petitioned for letters of administration *ad colligenda Bona* under Section 67 of the Law of Succession Act, on the 13th of January, 2020.
2. In the petition she described herself as a co-executor of the deceased will. She went further to state that the reason for the application is because she needed funds for school fees, and mortgage. She required the expenses stated be paid from the deceased bonus from **KULAL INTERNATIONAL LIMITED** and **QPHARM LIMITED**.
3. In her supporting affidavit, the applicant indicated that the deceased died testate, however she is unable to access the legacies left behind as she has been sidelined, lacked information and the current directors of the companies named above seem to have lost interest in the companies to the detriment of the estate.
4. The application was however opposed by one Saul Glenie who described himself as a co-executor of the Will of the deceased for the sole reason that the deceased died testate and there has been no renunciation by the executors of his will.
5. The deceased in his will appointed the applicant and the opposer as the executors of his will and so far none has relinquished their position. In law it is their duty inter alia to collecting, preserve and eventually distribute the estate as per the will and of course deal with all matter's incidental thereto.
6. To appoint an administrator albeit temporarily will duplicate the duty of administration of the estate and create confusion in this regard and I do agree with Mr. Gichuka, for the objector herein that where **Section 80** of the **Law of Succession Act** is applicable **Section 67** has no place, they certainly cannot be operational concurrently. In this regard therefore the objection is upheld.
7. Consequently, the application dated 13th January, 2020 be and is hereby dismissed.
8. Each party to bear his/her own costs.

DATED and DELIVERED in NAIROBI on this 27th day of May, 2020.

ALI-ARONI

JUDGE