

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2825 OF 2013

IN THE MATTER OF THE ESTATE OF JOSHUA NGUI PAUL MAWEU (DECEASED)

RULING

1. The application dated 19th December 2019 for confirmation of grant of letters of administration coming up for virtual hearing on 14th October, 2020, Ms. Odiya Counsel for the applicant submitted that all beneficiaries had consented to the prayers sought, and this court set it down for ruling.

2. However, having perused the application, and documents filed, I do not see any indication of a consent filed by all beneficiaries. Bearing in mind that the deceased herein had daughters that is Emmah Nduku Ngui and Faith Mueni Ngui, whose consent is not in the file, I do not consider that it will be in the interests of justice for this court to determine the application and deliver a ruling as the Law of Succession Act (Cap. 160) requires that consent for confirmation of grant and consent for the proposed mode of distribution of assets be filed by survivors also called beneficiaries.

3. In these circumstances, and in the interests of justice, I will not deliver a ruling on the application currently and instead order that all beneficiaries file their written consent to the requests made in the application, and a fresh date be taken for the hearing of the application.

Dated and delivered this 26th October, 2020.

George Dulu

JUDGE

Delivered virtually due to the COVID-19 pandemic and the Ministry of Health regulations.