

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NUMBER 82 OF 1992

IN THE MATTER OF THE ESTATE OF THE LATE NATHAN WANGEKA RUNANA (DECEASED)

RULING

1. This ruling is in respect of the summons for substitution of signatory to forms **P & A 17** and **19** of the **Law of Succession**.
2. It is sought that the court to execute forms **P & A 17** and **19** in favour of the applicant and that costs be provided for.
3. It is the applicant's case that Elizabeth Nyambura Wangeka and Ruth Muthoni Wangeka are joint administrators with the applicant of the estate of Nathan Wangeka Runana.
4. It is urged that the two (2) have refused to execute the relevant documents of transfer in favour of the applicant and her children the property the court awarded the applicant despite demand.
5. It is sought that the Deputy Registrar proceeds to execute the documents to facilitate the necessary transfer.
6. Despite evidence of proper service, the application elicited no response from the respondents.
7. I have had occasion to consider the application and the supporting affidavit. I have had due regard to the record herein.
8. The orders of court (**Kimaru J**) dated 5/10/2006 are clear that the applicant was to inherit Kamwago Farm Njoro, measuring 3 acres together with developments thereon and plot number Pangani II plot number 124 together with improvements thereon.
9. I am persuaded that the orders sought herein are necessary to give effect to the orders of court.
10. I find that the respondents have refused/neglected to execute the necessary documents for no plausible reason.
11. It is fair, just and expedient that the Deputy Registrar of this court proceeds to execute the said documents.
12. I allow the summons dated 29/3/2018 in terms of prayer (b). Costs be in the cause.

Dated and Delivered at Nakuru this 24th day of January, 2019.

A. K. NDUNG'U

JUDGE