

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

(FAMILY DIVISION)

SUCCESSION CAUSE NO 1178 OF 1997

IN THE MATTER OF THE ESTATE OF MUHORO GIKARU

(DECEASED)

RAHAB RAKELI WANJIKU MBUTHA.....APPLICANT

VERSUS

EVANSON MUHORO GIKARU.....RESPONDENT

R U L I N G

1. The application subject of this ruling is dated 13th of November 2018. It seeks for one substantive prayer; that an order do issue to the Deputy Registrar, to sign transmission documents in respect of **Title No. Kabate/Nyathuna/201** on grounds that administration of the deceased estate be dispensed with as one of the administrators died before executing the transmission documents.

2. I note from the judgment of Musyoka J dated 23rd May 2014 that the confirmed grant that was issued to the deceased and the Applicant meaning that upon the death of Rahab Rakeli Wanjiku, the Applicant Evanson Muhoro Gikaru remains an administrator and therefore nothing stops him from concluding the process of administration in accordance with the judgment delivered by Musyoka J on the 23rd of May 2014.

3. Consequently, the application is declined.

Dated and Delivered in Nairobi on this 14th day of March, 2019

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ALI-ARONI

JUDGE