

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

(FAMILY DIVISION)

SUCCESSION CAUSE NO 376 OF 1983

IN THE MATTER OF THE ESTATE OF PETER GICHERU KAGOCHO

(DECEASED)

STANLEY MATHU GICHERU.....1ST APPLICANT

MOSES MUTHIORA GICHERU2ND APPLICANT

STEPHEN KINORU.....3RD APPLICANT

VERSUS

JAMES KAMAU GICHERU.....RESPONDENT

R U L I N G

1. The application before court is dated 12th October 2018 seeking a review of this court's order of 17th September, 2018 that required the administrators and beneficiaries to account for rent collected and appointment of an estate agent to collect rent and thirdly for distribution of the estate on the part of the house of Susan Wairimu Gicheru.
2. The grounds for review are that the order was made on the basis of non-disclosure of all relevant facts; that different beneficiaries have been collecting rent over time since the 1970's. It will cause hardship to most of the beneficiaries if the order is not reviewed, the appointment of agents likewise as the rent collected is negligible. Further that before her demise the widow alongside the applicant was co-administrators. Lastly the interest of justice will be served by immediate distribution of the estate.
3. The only person who objected to the application was the respondent/, co-administrator who in addressing the court appeared to agree that rent has been collected by different beneficiaries over time and the fact that some of the beneficiaries did indeed collect and handed over to the widow upto 2017 when the widow died.
4. With information now on record I do agree that the most prudent Idea for now is to consider the various proposals filed and proceed to determine the issue of distribution of the estate amongst members of Susan Wairimu Gicheru's family. Consequently, the orders issued by this court on the 17th of September 2018 are hereby reviewed and set aside.

Parties at liberty to address the court on their various proposals on a date to be fixed.

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

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ALI-ARONI

JUDGE