



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
FAMILY DIVISION
MISC. APPLICATION NO. 41 OF 2018
CONSOLIDATED
WITH SUCCESSION CAUSE NO. 2569 OF 2003
IN THE MATTER OF THE ESTATE OF CHRISTOPHER WAMALWA (DECEASED)

MICHELLE NAFUNA WAMALWA.....APPLICANT

VERSUS

ALICE MUTHONI WAMALWA.....RESPONDENT

DEREK MBOYA.....INTERESTED PARTY

RULING

1. On 7th April 2015 this court made several orders, one of which was that the Public Trustee should take over and manage the estate of the deceased Michael Christopher Wamalwa. This was because since 2003 when the deceased's widow the late Yvonne Nambia Wamalwa applied for letters of administration *ad colligenda bona*, none of the parties (including her) has petitioned the court for the full grant in respect of the estate. The estate has continued to be wasted, despite there being no full grant. There has been no gazette to allow for all those interested persons (including creditors or debtors) to be informed of the proceedings.
2. Secondly, the application dated 5th February 2019 was not served on the Public Trustee. I suspect that none of the parties has even alerted the Public Trustee of his appointment to manage the estate.
3. I direct the Deputy Registrar to formally serve the Public Trustee with the Ruling delivered on 7th April 2015, and also serve him with a notice to attend on 31st July 2019 when further directions shall be taken in the matter.
4. In the meantime, the estate shall be preserved.
5. The application dated 5th February 2019 shall be served on the Public Trustee, and directions for its hearing shall be taken on **31st July 2019**.

DATED and SIGNED at NAIROBI this 22ND day of MAY 2019

A.O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 29TH day of MAY 2019

A.N. ONGERI

JUDGE