



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

SUCCESSION CAUSE NO. 474 OF 2011

IN THE MATTER OF THE ESTATE OF ANISIA WANJIRA

KANENE Alias ANISIA WANJIRA WAWERU (DECEASED)

CONSOLATA THARA NJERU.....CITOR/PETITIONER

VERSUS

MOHAMED KITHAKA NDWIGA.....CITEE/RESPONDENT

R U L I N G

1. I have heard the citor in her citation dated 3/08/2018 which was not opposed.
2. I have perused the file and noted that the grant issued in Runyenjes Succession Cause No.79 of 2009 in favour of one Lawrence Ndwiga Njagi was revoked by Bwonwonga, J. in his ruling delivered on 9/11/2015. The court did not appoint an administrator upon revoking the grant.
3. The citor in her application seeks to be authorized to apply for the grant in her deceased's mother estate. She is a daughter of the deceased and therefore qualified under **Section 66 of the Law of Succession Act** to apply.
4. A child of the deceased or a widow for that matter requires no authority from the court or from any other person to apply for a grant in the deceased's estate.
5. Since there is a succession cause in place in form of Runyenjes Succession Cause No. 79 of 2009 and High Court Succession Cause No. 474 of 2011 (files tied together) there is no need of filing a new cause.
6. I find the citation misplaced and not properly before the court. It is hereby struck out with no orders as to costs.
7. The citor is hereby advised to lodge her application in this cause seeking to be appointed an administrator of the deceased's estate and serve her siblings.
8. It is hereby so ordered.

DELIVERED, DATED AND SIGNED AT EMBU THIS 26TH DAY OF JUNE, 2019.

F. MUCHEMI

JUDGE

In the presence of: -

Mr. P. N. Mugo for petitioners/applicants

Respondent in person