



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (FAMILY DIVISION)

SUCCESSION CAUSE NO 397 OF 2005

IN THE MATTER OF THE ESTATE OF LIVINGSTONE MUKUNYA MURIU (DECEASED)

ELIZABETH MUGURE MUKUNYA

CAROLINE NJERI MWICIGI.....APPLICANTS

VERSUS

BENSON MUGO MUKUNYA.....RESPONDENT

RULING

1. The deceased died on the 31st of July 2004. The parties herein are his daughters and a son. He is said to have left behind 8 survivors.
2. From the pleadings there is no dispute that the Respondent petitioned the court for a grant of administration in the Chief Magistrate’s court Thika being succession cause No. 510 of 2005.
3. The applicants on their part moved this court seeking for revocation and annulment of the said grant on 22nd February 2005. Since then a series of applications have followed, various orders made. However the application for revocation or the grant is yet to be prosecuted to date.
4. Notable orders made are:
 - i. On 18th March, 2011 requiring that the Respondent hands over the grant issued in succession cause 510 of 2005 for cancellation and prohibiting him from accessing the deceased accounts at Consolidated Bank and, Muramati Sacco account, or any other and from dealing with assets of the estate pending hearing of the application of revocation.
 - ii. On 14th November 2006 which inter alia have P&A file No. 510 of 2004 Chief Magistrate’s court be brought to this court.
5. It is my view that if the application for revocation is immediately set down for hearing and determined it will solve all the pending issues.
6. Having stated as above and having considered all the applications, supporting affidavits and response I find that the prayer for accounts is merited. An administrator is accountable to other beneficiaries and the court and I therefore direct as follows:
 - i. The Respondent to file a list of all properties, income thereof and monies in the deceased accounts within the next 30 days of the date hereof.
 - ii. The Deputy Registrar do forthwith call for Thika Chief Magistrate’s file number 510 of 2005.
 - iii. The parties do file witness statements and documents for purposes of hearing the summons for revocation of the grant dated 29 and filed on 2005 by way of oral evidence.
 - iv. Hearing of the same on a date to be agreed upon.
7. Costs to the Applicants.

SIGNED DATED and DELIVERED in open court this 19TH day of DECEMBER, 2019.

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ALI-ARONI

JUDGE