

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITUI

SUCCESSION CAUSE NO. 5 OF 2016

IN THE MATTER OF THE ESTATE OF BENJAMIN MUTHANGYA NGUTI (DECEASED)

KYAMBI MUTHANGYA.....APPLICANT

VERSUS

BEATRICE KAMENE MUTHANGYA.....1ST RESPONDENT

JOHN KIMANZI MUTHANGYA.....2ND RESPONDENT

R U L I N G

1. By way of Chamber Summons, the firm of **Kalili & Co. Advocates** seek to cease acting for the Applicant in this cause.
2. The application is based on grounds that **Kyambi Muthangya** who retained them to act in this matter has since passed on and none of her family members has shown interest to take over the prosecution of the cause.
3. In an affidavit in support of the application **Francis Kalili Advocate** depones that he learnt from **Mbuvi Ngati** of the demise of the Deceased who subsequently availed her children:

Syombua Muthangya

Kasau Muthangya

Kanini Muthangya

And Munanu Muthangya

who were not interested in the matter consequently he is not able to proceed with the matter without instructions.

4. **Kyambi Muthangya**, now deceased, came into this matter alleging to be a wife to the Deceased. The matter is pending hearing of the application dated **1st August, 2014**. In the premises, the firm of **Kalili and Company Advocates** are granted leave to cease acting for her. The Administrators of the Estate to pursue the matter in accordance with the law.

5. It is so ordered.

Dated, Signed and Delivered at Kitui this 27th day of February, 2018.

L. N. MUTENDE

JUDGE