

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 2261 OF 2011

IN THE MATTER OF THE ESTATE OF ANTHONY NAHASHON NGUNJIRI - (DECEASED)

IRENE WANGUI NGUNJIRI..... APPLICANT

VERSUS

CATHERINE NJERI NGUNJIRI.....1ST RESPONDENT

CAROLINE WAMBUI NGUNJIRI.....2ND RESPONDENT

HARIT A. SHETH.....3RD RESPONDENT

RULING

1. This application was not opposed. The applicant Irene Wangui Ngunjiri is a widow of the deceased Anthony Nahashon Ngunjiri. Her firstborn son Alfred Nahashon Ngunjiri has been admitted to the University of Nairobi to study Civil Engineering under Module II programme. She is able to provide for the subsistence and catering costs for the boy, but cannot afford to provide for his accommodation. She lives in Thome Estate in Nairobi which is not convenient for the boy. The application seeks that the court does order vacant possession of any of the apartments of the deceased situate on LR No. 209/5821/6 along Forest Road in Nairobi for the use and occupation of the boy during his studies pending the hearing and determination of these succession proceedings. The apartments are A6, B1 or B3. She seeks any one of them.

2. The court has complete discretion to make provision for a beneficiary or dependant while the proceedings are on-going. I consider that the 1st and 2nd respondents (Catherine Njeri Ngunjiri and Caroline Wambui Ngunjiri) are the other beneficiaries of the deceased. They were educated in Western Australia.

3. I order that apartment A6 on LR No. 209/5821/6 along Forest Road in Nairobi be made vacant for the accommodation of Alfred Nahashon Ngunjiri while studying at the University of Nairobi. If the apartment has a tenant, all lawful means be used to terminate the tenancy to enable the availability of the same for the said use.

DATED and DELIVERED at NAIROBI this 21ST day of FEBRUARY 2018.

A.O. MUCHELULE

JUDGE