



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 1162 OF 2016**

**IN THE MATTER OF THE ESTATE OF JAMES ALLAN GUAM (DECEASED)**

**RULING**

1. Through exparte Chamber Summons dated 23<sup>rd</sup> February 2018 but filed in court on 26<sup>th</sup> February 2018, the applicants herein sought leave of the court to effect substituted service of the application for confirmation of grant upon the respondents herein who are beneficiaries but residents of United States of America.

2. Application which is filed under Sections 1A, 1B, 3A of CPA, Order 5 rule 5(c) & 17, 21 (d) and 25 of Civil Procedure Rules is premised on grounds on the face of it and affidavit in support deponed on 23<sup>rd</sup> February 2018 by Jayne Ruth Guama on her behalf and that of her co-petitioners seeking to effect service upon the respondents vide DHL Courier Services through their last known address referred to as 3114 Livonia Avenue Apartment No. 6 Los Angeles California 90034 USA.

3. I have considered application herein and affidavit in support. The respondents are children of the deceased and the 1<sup>st</sup> applicant herein and also siblings to the rest of the applicants. It is the applicants' contention that it has been difficult to reach the respondents physically for direct service due to the distance hence the prayer for substitution. A perusal of the court file shows that the respondents had signed the consent for grant of letters of administration intestate but could not be available for signing of the consent for confirmation of grant and mode of distribution.

4. For purposes of convenience, expeditious disposal of this matter in accordance with Sections 1A, 1B & 3A of the Civil Procedure Rules and to ensure that all beneficiaries take part in the distribution of the estate, it is important that the respondents be served through DHL as a licenced and recognized international courier service provider as prayed by the respondents. Accordingly application is allowed as prayed in terms of prayer two.

Order accordingly.

**SIGNED, DATED AND DELIVERED AT NAIROBI ON THIS 20<sup>TH</sup> DAY OF MARCH 2018.**

**J.N. ONYIEGO (JUDGE)**

In the presence of:

Mr. Maina.....Counsel for the Applicant

Edwin.....Court Assistant