



**REPUBLIC OF KENYA**

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

**HC P&A NO. 458 OF 2017**

**IN THE MATTER OF THE ESTATE OF KAMUI MAVUTI (DECEASED)**

**SUSAN MUKONYO KAMUI.....PETITIONER/RESPONDENT**

**VERSUS**

**JENNIFER WAIRIMU NJOGU.....OBJECTOR/APPLICANT**

**RULING**

1. On 16/10/2017, the High Court in Machakos (Hon. Nyamweya J) made the following orders:-

**i. The grant of letters of administration intestate issued to Susan Mukonyo Kamui on 4<sup>th</sup> May 2001 with respect to the estate of Kamui Mavuti (Deceased) be and is hereby revoked.**

**ii. Any distribution, transfers and dispositions of any kind to and/or by Susan Mukonyo Kamui of the property of Kamui Mavuti (Deceased), and any other subsequent dealings with the said properties be and are hereby declared unlawful and null and void and shall be cancelled forthwith.**

**iii. A new grant of letters of administration shall issue to Susan Mukonyo Kamui and Jennifer Wairimu Njogu as joint administrators of the estate of Kamui Mavuti (Deceased).**

**iv. Susan Mukonyo Kamui shall within 60 days of the date of this ruling file in court and serve Jennifer Wairimu Njogu with an account of all dealings with the properties Kamui Mavuti (Deceased) from the date of the said Deceased's death until the date of this ruling.**

**v. The joint administrators shall thereafter file a fresh summons for confirmation of grant within 60 days.**

**vi. The status quo that shall obtain as regards the properties and assets belonging to the estate of Kamui Mavuti (Deceased) pending the confirmation of grant of administration shall be that the Petitioner and Objector shall continue to be in possession and occupation of the properties and assets they currently occupy; and that the Petitioner and Objector shall not sell, transfer, lease, undertake any further developments on, or in any manner dispose of or waste the said properties and assets.**

2. Of the above orders, No. 4 and 5 set time lines for implementation of the order after declaration of grants.

3. Within 60 days Petitioner was to render account as directed by the court and the joint administrators were to file within 60 days an application for confirmation of grant.

4. Any distribution, transfer or disposition of deceased property was declared null and void and the court ordered status quo over the deceased properties in terms of order 6 stated above.

5. 60 days have lapsed without any implementation of the court orders as directed by the court.

6. However on 19/12/2017, the Applicant/Objector sought via an application to nullify any disposition of estate of deceased and preserve the same.

7. This application was totally unnecessary as there are orders still in force as issued by Nyamweya J. as above stated.

8. If there was any violation of the same orders as alleged e.g. by sale of Top line bar, hotel and butchery at Makindu town, the applicant should have filed an application of contempt of court and adduce evidence of the violation of the court orders issued by Nyamweya J.

9. The court therefore orders application dated 19/12/2017 to be struck out with no orders as to costs.

10. Further the court makes the following orders:-

**a. The account ordered to be rendered by the Petitioner shall be filed in court and served within 30 days from days herein.**

**b. The parties are to file application for confirmation of grant jointly or separately plus proposal on distribution within 14 days.**

**c. The orders stopping any sale or disposal of deceased properties or giving possession to any other person save as ordered by court remains in force.**

11. Mention on 17/05/2018 for directions.

**SIGNED, DATED AND DELIVERED THIS 12<sup>TH</sup> DAY OF APRIL, 2018.**

**C. KARIUKI**

**JUDGE**

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