



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 463 OF 2014**

**IN THE MATTER OF THE ESTATE OF: ESTHER**

**NYAKERARIO alias ESTHER NYAKERARI.....DECEASED**

**BETWEEN**

**MASERO RIOBA TURUKA.....OBJECTOR /APPLICANT**

**VERSUS**

**MARWA RIOBA TURUKA.....PETITIONER/RESPONDENT**

**RULING NO. 2**

1. The Petitioner/Respondent herein who was the initial sole Administrator of the deceased's estate herein was vide the ruling delivered on 25/02/2016 given time to consider how best to engage further in this cause.

2. When the parties came up before Court on 07/12/2016, the Respondent's Counsel indicated to this Court that since the parties had not agreed on the way forward then the best way out was for this Court to instead deal with the Summons for confirmation on record with a view of bringing the matter to finality. Counsel for the Applicant was however of the contrary view that a determination in respect to the Summons dated 30/05/2016 was necessary before the confirmation is handled since the accounts were crucial in the confirmation proceedings.

3. Further to the ruling delivered on 25/02/2016, this Court makes the following orders: -

**a) The Respondent herein shall file a comprehensive Report on the administration of the deceased's estate as from 01/02/2011 when the initial Grant of Letters of Administration was issued to him up to 24/07/2015 when the same was revoked and a joint grant issued;**

**b) The Report shall be filed in Court within 30 days of this ruling and shall be served upon the Applicant's Counsel within 3 days of filing;**

**c) Upon service, the Applicant shall file and serve his response to the Report, if any, within 10 days of such service;**

**d) The matter shall then be fixed for further directions/orders on 21/03/2017.**

**DELIVERED, DATED and SIGNED at MIGORI this 30<sup>th</sup> day of January 2017.**

**A. C. MRIMA**

**JUDGE**