



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 1775 OF 1999**

**IN THE MATTER OF THE ESTATE OF JOSEPHINE MWIHAKI NGURE (DECEASED)**

**RULING**

The applicants herein, Daudi Ngure Chege and Anthony Maina Mburu are joint administrators of the estate of their late mother Josephine Mwihaki Ngure who died intestate. A grant of letters of administration intestate was issued to the joint administrators on the 4<sup>th</sup> November, 1999. Since then the same has not been confirmed due to family misunderstandings amongst the siblings.

The late Josephine died intestate leaving Daudi Ngure Chege (son) Purity Wangui Waithira (daughter), Anthony Maina Mburu (son), Jane Wambui (daughter) Peter Kinuthia Mburu (son), Joel Mucheru (son) and Lucy Wanjiku (daughter) as survivors. That despite every effort by the administrators to have their siblings sign the consent forms before confirmation, they have refused and or refused to cooperate.

Consequently, the applicants through their Notice of Motion application dated 8/3/2010 decided to seek for court's intervention. The applicants therefore sought for orders compelling Mary Njeri, Purity Wangui, Peter Kinuthia, David Ngure and Fredrick Chege to sign necessary forms and or participate in these proceedings so as to have the grant confirmed and estate distributed.

Application is supported by a sworn affidavit deponed by Daudi Ngure Chege on his own behalf and that of his co-administrator Anthony Maina.

Despite service of the application herein upon the respondents, they did not file any response hence the application proceeded *ex parte*.

I have considered application herein and supporting affidavit. The applicants are seeking for orders compelling the respondents, their siblings to sign necessary consent forms for purposes of confirmation. A copy of the proposed distribution consent form was attached showing that it is only Hannah and Jack who have signed. There is no explanation or response given by the respondents who despite service of the application decided to keep quiet.

This is a very old file with unconfirmed grant since 1999. Litigation must come to an end. The respondents cannot hold the process at ransom. The process must therefore continue.

Accordingly I am satisfied that application is merited and that the respondents shall be served with the application for confirmation together with the proposed distribution list for their signatures/consent and in default the court shall proceed to confirm the grant as proposed by the administrators their absence notwithstanding.

Order accordingly.

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

Dated and delivered in open court at Nairobi this 28/2/2017.

28/2/2017:

Before Hon. Justice J.N. Onyiego

Court Clerk – Edwin

Mr. Gitere holding brief for Kanango for the applicants

Court: Ruling delivered in open court.

**DATED AND DELIVERED IN OPEN COURT THIS 28<sup>TH</sup> DAY OF MARCH, 2017.**

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

**28/3/2017**

In the presence of Gatere Advocate holding brief for Wandungi for the applicants.