



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
SUCCESSION CAUSE NO. 1775 OF 1999

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

DAUDI NGURE CHEGE..... APPLICANT

VERSUS

MARY NJERI1ST RESPONDENT

PURITY WANGUI WACHIRA2ND RESPONDENT

PETER KINUTHIA MBURU3RD RESPONDENT

DAVID NGURE4TH RESPONDENT

FREDRICK CHEGE5TH RESPONDENT

RULING

1. A limited grant of letters of administration intestate in this case was issued to Daudi Ngure Chege and Anthony Maina Mburu jointly on 4th November, 1999. On 22nd March, 2016, the applicants moved the court through application dated 8th march, 2016 seeking orders compelling Mary Njeri, Purity Wangui, Peter Kinuthia and David Ngure and Fredrick to sign consent forms for purposes of confirming the grant and have the estate distributed.

2. Despite service of the said application upon the respondents who are also dependants and beneficiaries of the estate, none of them responded hence the same proceeded exparte and the court on 28th March, 2017 delivered its ruling directing the applicants/administrators to file an application for confirmation and serve the same upon the respondents.

3. Pursuant to the said directions, the applicants/administrators sought to have the grant confirmed by way of affidavit without filing a formal application for confirmation. The applicants cannot rely on the affidavit dated 8th March, 2016

to have the grant confirmed as no such prayer was made in that application.

4. The court having made a determination on the application dated 8th March, 2016, the same cannot be heard further by seeking to confirm the grant which was not one of the prayers. Accordingly, the

applicants are advised to file a formal application for confirmation of grant and have the same served upon the respondents.

Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 1ST DAY OF AUGUST, 2017.

J.N. ONYIEGO (JUDGE)

In the presence of

..... the applicants

..... the respondents