

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

SUCCESSION CAUSE NO. 6 OF 1993

IN THE MATTER OF THE ESTATE OF THE LATE JOHANA GITAHU GACHORA alias
GITAHU GACHORA alias GITAHU GACHAU-DECEASED

Lawrence S. Muruthi GachoyaPetitioner/Applicant

Versus

Milka Wothaya Gitahi.....Objector

RULING

By way of a summons dated 4th November 2015 expressed under the provisions of Article 48 & 159 (2) (a) & (d) of the Constitution of Kenya 2010, Section 47 of the Law of Succession Act,^[1] Rule 49, 59 and 73 of the Probate and Administration Rules, **Lawrence S. Muruthi Gachoya** (hereinafter referred to as the applicant) moved this honourable court seeking orders to review the ruling delivered on 13th February 2007 pursuant to the summons general dated 23rd February 2004.

The grounds relied upon are that on 13 February 2007, the court refused to grant the letters of administration on grounds that it was not clear that there were no pending objections in this cause, that currently there is no pending objection on record, that the deceased will in this cause cannot be executed because of the orders in question, that the delay in filing this application is excusable, the application is in the interests of justice and no party will suffer hardship if the orders are granted. The supporting affidavit has explained in detail the reasons why the applicant seeks the orders sought.

I have carefully noted the communication between the advocates for the applicant herein and the firm of **Oraro & co** who were acting for the objector and I find the said communication to be satisfactory in as far as it relates to the objector herein. However, upon due consideration I take the view that the orders sought do touch on the administration of the estate and accordingly it would be prudent to involve all the beneficiaries listed in the affidavit in support of the petition and consequently I direct that all the beneficiaries to the deceased's estate be served with the application now under consideration.

Right of appeal **30** days

Dated at Nyeri this 22nd day of February 2016

John M. Mativo

Judge

^[1] Cap 160, Laws of Kenya