

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 504 OF 1987

IN THE MATTER OF THE ESTATE OF KAHUGI GITURO (DECEASED)

RULING

1. The parties herein have been fielding over a period of time over appointment of administrators. It was towards that end that I directed that several applications that were pending: dated 22nd October 2014, 22nd January 2015 and 21st February 2015, be disposed of simultaneously. It was in the course of the determination of the applications above that I was to deal with the matter of the appointment of administrators.

2. I directed that the said applications be disposed of by way of written submissions. All the parties put in their written submissions, and I reserved the matter for ruling on 29th January 2016.

3. Before I could deliver the ruling on the said applications, Mr. Chege for some of the beneficiaries, approached the court and urged that before the court rules on the said applications, the court file in **HCSC No. 3157 of 2007** be pulled out and put together with the instant file, arguing that the said cause was relevant to the matters at hand. **HCSC No. 3157 of 2007** relates to the estate of a son of the deceased in the instant case.

4. I ordered that the said file be availed and that the matter be mentioned in the presence of all the parties to the dispute. The matter was mentioned on 15th March 2016 for that purpose, whereat Mrs. Nderitu, for the Public Trustee, and Mr. Gikonyo, for some beneficiaries, took the position that **HCSC No. 3157 of 2007** was not relevant to the determination of the applications dated 22nd October 2014, 22nd January 2015 and 21st February 2015, and urged me to proceed and deliver my ruling on the pending issues. I then directed that I would study the two court files and give my directions.

5. I have had time to study both files. I have noted that the only connection between the two is that **HCSC No. 3157 of 2007** relates to the estate of a son of the deceased in the instant cause. I do not see how the former cause has a bearing on the matters to be determined in the pending applications.

6. I will proceed to rule on the pending applications. The ruling shall be delivered on 13th May 2016.

DATED, SIGNED and DELIVERED at NAIROBI this 23RD DAY OF MARCH, 2016.

W MUSYOKA

JUDGE