



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

P& A CAUSE NO. 118 OF 2014

JOHN ANYERADECEASED

AND

SAMMY BIAYO ANYERA JOHNSON }

MARGARET KAKENA BUKARIKA }RESPONDENTS

AND

LEVY OTIENDE }

HENRY MUDIANG'A }APPLICANTS

VERSUS

NELSON MUTEMIINTERESTED PARTY

R U L I N G

1. The application dated 15/9/2015 seeks orders that this Honourable court be pleased to expunge from the record the names of the applicants herein in relation to the estate of **JOHN ANYERA** (deceased).
2. It is stated in the affidavit in support that when the 1st Respondent herein, **SAMMY BIAYO ANYERA** filed the summons for revocation dated 2/12/2014 he did not have the authority of the applicants herein. The applicants have distanced themselves from the summons for revocation and hence the application to have their names expunged from the said proceedings. The applicants position is that the family agreed to the letters of Administration being issued to **NELSON MUTEMI**.
3. The 1st Respondent opposed the application. According to the affidavit in reply, the applicants signed the authority for the Respondent to file the summons for revocation. The 1st Respondent denied that there was a family meeting held where it was agreed who would be appointed as the administrator of the estate of the deceased. He stated that he is the first born son of the deceased and no such meeting can be held without his permission. He further stated that from the time he started working he started educating his siblings and even oversaw his brothers initiation.
4. During the hearing of the application, the applicants relied on their affidavit in support of the application and the annexures thereto. The Respondents also relied on their affidavit. The administrator of the estate of the deceased, **NELSON MUTEMI** did not object to the application.

5. I have considered the application and the reply to the same.
6. Although the applicants have contended that they did not sign any authority and the Respondents have disputed that position, it is clear that the applicants do not wish to be parties in the application in question.

Consequently, I allow the application with costs in cause.

B. THURANIRA JADEN

JUDGE

Dated and delivered at Kitale this 26th Day of May, 2016.

B. THURANIRA JADEN

JUDGE