

IN THE REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU

SUCCESSION CAUSE NO. 280 OF 2012

IN THE MATTER OF THE ESTATE OF GACHEKI MUCHAIRU (DECEASED)

LOYFORD MUTURI KARIBA.....1ST ADMINISTRATOR

CHARLES RENJI MUCHIRA.....2ND ADMINISTRATOR

RULING

Failure to provide for a widow

[1] Before me is an application dated 27th August, 2015 for confirmation of grant issued on 2nd June 2015 before expiry of six months as required in law. But I wish to quickly state that now over six months have passed by and I will treat this application as an ordinary application for confirmation of grant. There seems to be no objection to confirmation of grant as the mode of distribution proposed by the administrators. For clarity, the earlier objection raised herein was determined and resulted into annulment of the earlier grant and a fresh grant of representation was made to the administrators herein. I note also that all the children of the deceased have also been listed in paragraph 2 of the said affidavit. Again, this estate involves two houses; that of Muthoni Gacoki (1st wife) and Teresia Gaiti Gachoki (2nd wife)- a fact that is disclosed in paragraph 3 of the Affidavit in support of the application for confirmation. There is therefore no major hurdle which may prevent confirmation of the grant. However, one matter is troubling my mind. Whereas there is provision for the 1st wife, there is none for the 2nd wife. I consider that matter to be important yet no explanation was given about it. I am inclined, therefore, to seek for that information before I can confirm the grant. I make this decision fully aware that no formal protest has been filed by the 1st wife but the omission, if at all is glaring and being a matter of law the court should be satisfied about. Accordingly, I direct the administrator to provide the said information or clarification to court forthwith after which I will render my decision on confirmation application dated 27th August, 2015. It is so ordered.

Dated, Delivered and Signed in open court at Meru this 16th day of June, 2016

F. GIKONYO

JUDGE

In the presence of:

Mr. Kirimi advocate for the applicant

B.G. for respondent absent.

F. GIKONYO

JUDGE