

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 3122 OF 2013

IN THE MATTER OF THE ESTATE OF P L S (DECEASED)

RULING

1. A petition for special limited grant dated 30th June 2016 has been placed before me for consideration. It seeks authority to facilitate access to estate funds for the purpose of meeting the school needs of the children of the deceased.
2. There is documentation showing the credit balance in the bank accounts of the deceased, as well as the education related needs of the said children up to the end of the year.
3. In addition, counsel for the petition addressed me on the matter and took me through the relevant documents.
4. I am satisfied that a case has been made out for a grant of limited authority to the petitioner to access estate funds to meet the immediate education needs of the children in question.
5. From my calculations from the material placed before me, K and C S requires Rand 188 700.85 to cover fees, living and related expenses in South Africa, while P L S's educational and related expenses amount to Kshs. 1, 003, 333.00. The total amount in Kenya shillings stands at Kshs. 3, 680, 203.00.
6. I do hereby allow the petition dated 30th June 2016. A special limited grant shall issue accordingly to allow the petitioner to access a sum of Kshs. 3, 680, 203.00 only from the estate to meet the educational needs of the children.
7. I note that on 11th December 2013, I had allowed a petition for a grant of letters of administration *ad colligenda bona*. The registry, for some unknown reason, issued the petitioner with a grant of letters of administration *ad litem* dated 11th December. I hereby order cancellation of the grant *ad litem*, and direct the Deputy Registrar to issue the proper instrument as had been ordered on 11th December 2013.
8. This is the second time that a petition has been lodged here for a limited grant. I hope it will be the last. The persons entitled to representation to the estate of the deceased ought to file for full grant. This is the last time that the court will entertain a petition for a limited grant in this cause with respect to the estate of the deceased.
9. It is so ordered.

DATED, SIGNED and DELIVERED at NAIROBI this 22ND DAY OF JULY, 2016.

W. MUSYOKA

JUDGE