

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 639 OF 2012

IN THE MATTER OF ESTATE OF NATHAN MUTULI SILA - DECEASED

JULIUS NTHIW'A MULINGE PETITIONER

VERSUS

FLORENCE MUTINDA MULINGEOBJECTOR

RULING OF THE COURT

1. The Summons for Revocation of Grant is dated and filed herein on **14th October, 2013**. It seeks the following prayers;

i. That the grant of Probate or Letters of Administration Intestate issued to the Petitioner on **17th January, 2013** be revoked and/or annulled forthwith.

ii. That the costs of the application be provided for.

2. The application is premised on the following grounds that the Objector is a sister to the Petitioner, who has other two brothers and a sister. That the Petitioner petitioned for Letters of Administration secretly without informing the other beneficiaries to the estate. The Objector never gave her consent to the petitioner and it is doubtful if other beneficiaries consented. The Applicant's case is that the grant was therefore obtained fraudulently and by concealment of material facts. The proceedings to obtain the grant were defective in substance, and it will be in the interests of justice that the orders sought herein be granted.

3. The application is not opposed. In fact **Mr. Kaluu** holding brief for **Mr. Sila** on **10th October, 2016** submitted that the Objector was no longer interested in revocation, and that the parties were negotiating the matter to enjoin the Objector as Co-administrator.

4. In that regard, the application filed herein on **14th October, 2013** is dismissed with no orders as to costs.

DATED AND DELIVERED AT MACHAKOS THIS 27 TH DAY OF OCTOBER, 2016

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E. OGOLA

JUDGE

In the presence of;

Mr. Makau Mutua holding brief for Mr. Sila for Applicant

Court Assistant – Mr. Munyao