

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2184 OF 1994

IN THE MATTER OF THE ESTATE OF WILSON NDUMBI KATHESYE (DECEASED)

RULING

1. The application for determination is a summons dated 17th August 2015. It seeks rectification of the grant so as to remove the name of one of the administrators on the grounds that she has refused to cooperate with the applicant to complete administration of the estate.
2. There is an affidavit of service on record evidencing service of a notice of the hearing scheduled for 2nd February when the matter was coming up. On the due date the respondents did not attend court.
3. I have noted that the principal prayer is for the removal of an administrator. Such orders ought not to be sought by way of an application for rectification of a certificate of confirmation of the grant. The certificate does not appoint the administrator, it merely confirms the appointment.
4. As the application was served and the respondent did not respond to it or attend court when it was due for hearing, the application is then deemed as not opposed.
5. Consequently, I do hereby grant it in the terms proposed. The grant herein as well as the certificate of confirmation of grant shall be rectified accordingly. I shall also order transfer of the cause herein to the High Court of Kenya at Machakos for final disposal as the assets herein are situated within the Machakos and Makeni Counties.

DATED, SIGNED and DELIVERED at NAIROBI this 18TH DAY OF NOVEMBER, 2016.

W. MUSYOKA

JUDGE