

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1077 OF 2012

IN THE MATTER OF THE ESTATE OF JOHN KARIUKI GITONGA

RULING

Before me is an application by the proposed interested parties, Fredrick Wamwaki and Grace Waithira Wamwaki . they seek to be enjoined as the 1st and 2nd interests party in the cause.

They also seek to be granted leave to enjoin Ruth Wangari Maina, Jane Waithera Maina and Cyrus Mukunya Maina as interested parties.

The applicants claim that they bought land title no. Loc 2/Makomboki/141 from the beneficiaries, they seek to have enjoined to the matter. They claim to be innocent purchasers for value.

The application was opposed. The respondents argue that on the 18/12/13 the court issued orders restraining all transaction relating to the assets of the deceased which order was served on the administrators of the estate on the 9/1/14, yet the subject land was alleged to have been sold on the 31/1/14 in contravention of the court order.

Having considered the application and what has been averred this court notes that the applicants are purchasers of the subject land. They are not beneficiaries or creditors of the estate of deceased. They should sue the persons they transacted with. I therefore decline to grant the orders sought. The application dated the 30/9/14 is dismissed with no orders as to costs.

Dated, signed and delivered this **22nd** day of **DECEMBER 2016**

R. E OUGO

JUDGE

In the presence of:

.....for the Applicants

.....For the Respondents

.....For the 1st and 2nd proposed Interested Parties.

Ms. Charity

Court clerk