

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 98 OF 2014

IN THE MATTER OF THE ESTATE OF CHRISTINE MUNINI MUTAVA (DECEASED)

COSMAS MUTUA SILAAPPLICANT

RULING OF THE COURT

1. Before the court is a Petition for Letters of Administration *Ad Litem* by **Cosmas Mutua Sila** who states that he is a nephew to the deceased and presents this Petition as such nephew. The applicant Petitions for Letters of Administration *Ad Litem* for the purpose of substituting the deceased in a suit being **Chief Magistrate's Court Civil suit No. 83 of 2012**. The Petition is supported by the applicant's affidavit sworn on **19th May, 2014**. In the affidavit the applicant depones that he is a male adult of sound mind and understating, and herein hence competent to swear the affidavit. The full names of the deceased to whose estate these proceedings relate are **Christine Munini Mutava** and the applicant is the Petitioner in the petition herein upon which he has endorsed his name at the time of swearing this affidavit. The deceased died on **27th May, 2013** at **Coptic Hospital** after a long illness. The deceased at the time of his death was domiciled in Kenya and her last place of residence was **Tulimani Location**, within **Mbooni County**. The deceased died intestate and the Petitioner is related to her by virtue of being her nephew. The applicant is seeking limited grant of representation to the deceased's estate on the basis that the applicant want to substitute her in respect to a suit in **Machakos Chief Magistrate's court Civil Cause No. 83 of 2012**. The applicant's case is that processing a full grant takes a long time and it is necessary that the applicant takes up the grant of Letters of Administration *Ad Litem* promptly and immediately to avoid being overtaken by time.

2. I have considered the application. The same is merited and is allowed in the following terms;

a. The grant of Letters of Administration *Ad Litem* hereby do issue to the applicant for the purpose of substituting the deceased in the **Civil Suit No. 83 of 2012 Machakos Chief Magistrate's Court**

b. There is no power to distribute the estate under this grant.

c. Costs to be in the cause.

Orders accordingly.

DATED AND DELIVERED AT MACHAKOS THIS 8TH DAY OF DECEMBER, 2016.

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E. OGOLA

JUDGE

In the presence of;

Mr. Mutune holding brief for Musyoka Kimeu for Applicant

Court Assistant – Mr. Munyao