

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 729 OF 2014

**IN THE MATTER OF THE ESTATE OF THIGA MUNGAI ALIAS JASAN WAITITU–
DECEASED**

ORDER

1. I have perused this file and noticed that the application dated 27th March 2014 seeking the revocation of the grant herein was to be served on, among others, JOHNSTONE MURIRA NGUYAI. The sworn affidavits of service do show that there was no single occasion when he was personally served. He has not responded to the application. He bought a portion of the estate. The portion was transferred to him. One of the prayers is that the transfer be cancelled. That can only be done if he has been effectively served and therefore given an opportunity to be heard.

2. I direct that he be personally served with the application following which he will have 14 days to file a replying affidavit to which the other parties shall have 7 days to respond. This matter shall be mentioned on 17th February 2015 to take a ruling date. The said JOHNSTONE will be at liberty to file whatever written submissions along with his affidavit.

DATED and DELIVERED at NAIROBI this 27th January 2015.

A.O. MUCHELULE

JUDGE