



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MACHAKOS

MISC. APPLICATION (P & A) NO. 264 OF 2015

IN THE MATTER OF THE ESTATE OF MUNYWOKI KITU MULUNGA

JOSPHAT KIMANZI MUNYOKI.....1ST APPLICANT

JONES MUTHENGI MUNYOKI.....2ND APPLICANT

VERSUS

KAVATA MUNYWOKI KITU.....RESPONDENT

RULING

1. The application dated 27th April, 2015 seeks orders that –

- 1. That the grant letters of administration made to Kavata Munywoki Kitu on 30th December, 2013 and certificate of confirmation of grant issued on 15th April, 2015 be revoked.***
- 2. That this Honorable Court be pleased to issue preservatory orders of the estate of the deceased pending the hearing and determination of this application.***

2. It is stated in the replying affidavit that the proceedings to obtain the grant were defective in substance. That the grant was obtained fraudulently by the making of false statements and the concealment of material facts to the court. It is further stated that the consent on record is a forgery and the estate of the deceased has not been properly distributed.

3. The application is unopposed. No papers have been filed in opposition to the same.

4. During the hearing of the application the Respondents did not turn up though served. The application proceeded *ex parte*.

5. The facts deponed in the affidavit in support therefore remain uncontroverted. I allow the application as prayed.

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B. THURANIRA JADEN

Dated and delivered at Kitui this 24th day of September 2015

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B. THURANIRA JADEN

JUDGE