



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT GARISSA**

**PROBATE & ADMINISTRATION SUCCESSION CAUSE NO. 13 OF 2015**

**IN THE ESTATE OF JAMES MANYURA ITHERU ..... DECEASED**

**JULIUS MUNYOKI KITEME ..... PETITIONER**

**RULING**

This is an application for grant of letters of administration ad Litem dated 21<sup>st</sup> April 2015 made by JULIUS MUNYOKI KITEME a cousin of the deceased.

The deceased JAMES MATHUVA ITHERU was survived by two wives, a son and a daughter, and a written consent by them was filed in the application that the applicant be granted the letters of administration sought to pursue a civil case. However none of the wives or children of the deceased, all adults, attended court, nor was any reason given as to why they could not be appointed as administrators.

Under the provisions of the Law of Succession Act (cap.160), the wives and children of a deceased person have a higher priority for appointment as administrators than a cousin. As such, I am of the view that in appointing the applicant as an administrator ad litem, I also appoint the son of the deceased as a co-administrator.

The application is thus allowed and letters of administration ad litem are hereby granted to two administrators, that is the applicant and the son of the deceased KIMANZI MATHUVA. Certificate of limited grant to issue to the two.

Dated and delivered at Garissa this 26th day of October 2015.

**GEORGE DULU**

**JUDGE**