

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1546 OF 2013

IN THE MATTER OF THE ESTATE OF FRACIAH WANJIRU (DECEASED)

RULING

1. This cause relates to the estate of Fraciah Wanjiru Kariuki, deceased. It was originally commenced at the Limuru Law Courts as **SRMCSC No. 34 of 2007**.
2. At the confirmation of the grant, it transpired that the estate of the deceased exceeded the pecuniary jurisdiction of the resident magistrate's court as set out in Section 48 of the Law of Succession Act, Cap 160, Laws of Kenya. On 26th June 2013, the resident magistrate's court ordered the transfer of the matter to the High Court for further directions.
3. When the matter was placed before me on 23rd February 2015, I ordered that the same be taken over by the High Court and that the application dated 20th June 2012 be determined on the basis of the processes undertaken at the resident magistrate's court. I thereafter reserved the matter for ruling.
4. When I set about preparing the ruling on the pending application it occurred to me that I could not possibly confirm the grant made by the lower court. I have to give further directions on the matter before I proceed to determine the said application.
5. Consequently, I do hereby give the following directions:-
 - a. **That the High Court shall hereby take up and dispose of Limuru SRMCSC No. 34 of 2007;**
 - b. **That the said cause shall now proceed as HCSC No. 1546 of 2013;**
 - c. **That the grant made on 9th January 2012 to Geoffrey Karanja E. Kariuki and Peter Chege Kariuki in Limuru SRMCSC No. 34 of 2007 is hereby revoked;**
 - d. **That a fresh grant shall accordingly be made to the same persons out of HCSC No. 1546 of 2013; and**
 - e. **That a ruling on the application dated 20th June 2012 to be delivered on a date to be given at the delivery of this ruling.**

DATED, SIGNED and DELIVERED at NAIROBI this 23RD DAY OF OCTOBER, 2015.

W. MUSYOKA

JUDGE