

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1783 OF 2013

IN THE MATTER OF THE ESTATE OF NELSON NDARA KOITABA (DECEASED)

RULING

1. There has been fairly heavy litigation in this matter so far eventhough no grant of representation has been made. Issues relating to accounting and so forth have arisen.
2. In my view it is premature to raise these matters before the issue of representation is resolved. The administration of the estate is yet to be committed to anyone, who would then be accountable to the court and the heirs. All the matters that are being raised now should come up after administration has been committed to a particular person. It would then easier to resolve them.
3. I note that objections have been raised to the petition for grant of letters of administration on record. The objectors have filed their answers to the petition and their cross-petitions.
4. To move the matter forward, I do hereby direct as follows:
 - (a) **That the objection proceedings herein shall be heard in Nairobi for two (2) days before a single judge;**
 - (b) **That the same shall be based on oral evidence and the matter shall proceed by way of the parties and their witnesses being crossed on their statements;**
 - (c) **That the parties are hereby granted thirty (30) days to file and serve witness statements and bundles of the documents that they propose to put in evidence; and**
 - (d) **That the matter shall be heard on a date to be given at the registry on priority.**

DATED, SIGNED and DELIVERED at NAIROBI this 18TH DAY OF DECEMBER, 2015.

W. MUSYOKA

JUDGE