

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO: 5 OF 1996

IN THE MATTER OF ESTATE OF BORA MIRA -(DECEASED)

RULING

1. The application dated 15th November 2010 is for an order that the applicants be enjoined as co-administrators of the estate of the deceased.
2. The argument is that Kiambaa/Thimbigua/2165 was registered in the name of the deceased although it was family property. This means that the deceased held it in trust for the family of the applicants.
3. There is documentation in the affidavit in support of the application to support this contention. This including the proceedings and decision of the Kiambu Land Disputes Tribunal claim number 15 of 2005, where it was decided that Kiambu/Thimbigua/2165 be divided equally between the family of the deceased and that of the claimants.
4. Both sides have filed detailed written submissions on the matter.
5. In view of the material placed before me, I am of the persuasion that the applicants have a stake in the administration of the estate of the deceased. I am therefore inclined to allow the application dated 25th November 2010, which I hereby do.
6. I appoint James Ng'ang'a Bora and Abigael Kanyi Kangethe administrator of the estate of Bora Mira deceased. A grant of letters of administration intestate shall issue to them accordingly.
7. Costs of the application shall be in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 31st DAY OF January, 2014.

W. MUSYOKA

JUDGE