



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 1072 OF 2008**

**IN THE MATTER OF THE ESTATE OF FRANCIS MUIRURI KIMANI – (DECEASED)**

**RULING**

1. The application dated 12<sup>th</sup> March 2013 is for restraining orders with respect to estate property pending hearing and determination of the Summons for Revocation dated 23<sup>rd</sup> May 2008 which pends before this court. The applicant alleges that the respondent is in the process of disposing of estate assets, which include Loc.7/Gakoigo/660 where the appellant resides.
2. The respondent has sworn a replying affidavit on 20<sup>th</sup> May 2013. She basically denies the allegations in the application.
3. I note the pendency of the revocation application. If the same is allowed it will affect the properties the subject of this application, that is to say Loc.7/Gakoigo/660 and 897 and Loc.7/Gakoigo/3049 and 3050, which are derived from Loc.7/Gakoigo/1292.
4. The court should not act in vain. It is only just and equitable that these assets be pursued pending the hearing and disposal of the revocation application. The application dated 12<sup>th</sup> March 2013 is therefore allowed in the terms proposed by the applicant.
5. I note that the grant sought to be revoked was issued by the Resident Magistrate's Court at Murang'a. This matter shall therefore be transferred to the High Court of Kenya at Murang'a for the hearing and determination of the pending application dated 23<sup>rd</sup> May 2008 for revocation of the said grant.

**DATED, SIGNED and DELIVERED at NAIROBI this 31<sup>st</sup> DAY OF January, 2014.**

**W. MUSYOKA**

**JUDGE**