



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

SUCCESSION CAUSE NO. 1287 OF 2004

IN THE MATTER OF THE ESTATE OF WAINAINA NJOROGE – (DECEASED)

RULING

1. There is a pending application in this cause for the revocation of the grant made on 8<sup>th</sup> January 1993 in **Kiambu Principal Magistrate Court Succession Cause No. 1 of 1992**. The said application is dated 19<sup>th</sup> May 2004 and is brought at the instance of Mary Njoki, Monica Njeri and Sophia Njambi.
2. Pending hearing and determination of the summons dated 10<sup>th</sup> May 2004, the applicants to that application have moved this court, in a summons dated 1<sup>st</sup> November 2012, for preservatory orders. They complain that the administrator of the estate is doing acts that are detrimental to their occupation and enjoyment of the estate property pending the hearing and determination of the revocation application.
3. In reply to the application, the administrator swore an affidavit on 13<sup>th</sup> June 2012. He denies the allegations made by the applicants.
4. I take note of the pendency of the revocation application. Pending the distribution of the estate it is only fair that members of the family of the deceased be allowed to continue occupying the portion of the estate property that they have possession of.
5. I will allow the application dated 1<sup>st</sup> November 2012 in terms of prayer 4 of the application. The administrator is hereby directed to maintain *status quo* pending hearing and determination of the revocation application dated 10<sup>th</sup> May 2004.

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

**W. MUSYOKA**

**JUDGE**