

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO.93 OF 1995

IN THE MATTER OF THE ESTATE OF JOSEPH MUTUA NDOLO (DECEASED)

AND

NDOLO MUNYAO NDETI

JONAH MUTUA NDOLO.....APPLICANTS

RULING

1. By way of summons the applicant seeks orders as follows:-
 - i. **That** the Petitioner **Margaret Kalekye Mutua** be substituted with the applicants namely **Ndolo Munyao Ndeti & Jonah Mutua Ndolo**
 - ii. **That** a fresh grant be made jointly to the applicants **Ndolo Munyao Ndeti & Jonah Mutua Ndolo**
 - iii. **Those** costs of this application be in the cause.
2. The application is supported by an affidavit sworn by **Jonah Mutua Ndolo** the 2nd Applicant whereby he depones that the Petitioner/Administrator of the estate of the deceased is now dead having passed on the **22nd November, 2004** after being issued with a Grant of Letters of Administration Intestate on the **9th August, 1995**; all surviving beneficiaries of the estate of the deceased have agreed as to the substitution sought.
3. I have considered the application. There is evidence of death of **Margaret Kalekye Mutua** (*vide death certificate No. 309605*). A consent dated **5th August, 2013** has been duly signed by all people who were survived by the deceased, **Joseph Mutua Ndolo** endorsing the applicants as persons who should be joint administrators of the estate.
4. In the premises, I allow the prayer sought.
5. Costs shall be in the cause.

DATED, DELIVERED and SIGNED this 30TH day of JANUARY, 2014.

L.N. MUTENDE

JUDGE