

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 332 OF 2010

IN THE MATTER OF THE ESTATE OF MUI KYALIE (DECEASED)

PATRICK DAUDI MUI (NOW DECEASED)

STEPHEN KYONDA KAMBA..... APPLICANT

RULING

1. The application dated 21st August 2013 is brought pursuant to the provisions of Section 74 of the Succession Act, Rule 43, 49 and 73 of the Probate and Administration Rules, and other enabling provisions of the law.
2. The appellant, **Stephen Kyonda Kamba** seeks to be substituted as the administrator of the estate of Mui Kyalie in place of **Patrick Daudi Mui**, now deceased.
3. The application is premised on grounds that the administrator of the estate herein having died there is need for substitution; the applicant being a nephew to the deceased stands in the same degree of preference as the deceased's administrator and all beneficiaries of the estate have consented to the applicant being granted the order.
4. The application is supported by an affidavit deponed by the applicant.
5. Evidence was adduced of a burial permit No. 049087 in the name of the deceased **Patrick Daudi Mui** who died on 9th November 2012. A death certificate No. C 313533 was consequently issued on the 24th October 2013. Beneficiaries in the matter have signed a consent dated 15th August 2013 in support of the application.
6. In the premises I allow the application as prayed.

DATED, SIGNED and DELIVERED at MACHAKOS this 28TH day of JANUARY, 2014.

L.N. MUTENDE

JUDGE