



**REPUBLIC OF KENYA**

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

**MISCELLANEOUS SUCCESSION CAUSE NO. 166 OF 2014**

**IN THE MATTER OF THE ESTATE OF IRENE WANJIKU NJOROGE (DECEASED)**

**JOSEPH KANAKE KANYILI.....PETITIONER**

**RULING**

The applicant before this court is seeking orders that he be allowed to receive the proceeds of insurance as compensation due to the estate of the deceased Irene Wanjiku Njoroge arising out of an accident on the 30<sup>th</sup> July 2014 involving the deceased’s motor vehicle registration number. KBT 293T having been written off and prior to such payment the register of motor vehicle do register the motor vehicle in the petitioner name for further transfer before the confirmation of the grant.

The application is supported by the applicant’s affidavit. In the said affidavit he depones that the vehicle the subject of this application was used as a car hire during the deceased’s life time and after her death. That the deceased is his wife and she died on the 9/2/14 at Avenue Park Nairobi; that on the 30/7/14 the said vehicle was involved in a non-injury accident along Nairobi Limuru Road and was declared a constructive loss and has been written off by the company; that he is required to transfer the original logbook which he has in his possession into his name and to surrender the same to the insurance company; that the deceased left liabilities in terms of hospital bills and a loan facility they had taken from family bank and individuals and he needs to utilize the proceeds of the written off vehicle to settle the bills hence this application.

The applicant has attached exhibits to support what he has deponed. He has attached copy of logbook in the name of Irene Wanjiku Njoroge. The vehicle referred to the said log book is KBP 293T and not KBT 293T. The letter from the Amoco Insurance also refers to vehicle registration number. KBP 293T. The date of accident is 28/7/2014 as per the police abstract and not 30/7/2014. The letter from Amaco too refers to an accident of 28/7/2014. The general payment advice refers to vehicle registration number KBP 293T. The vehicle being referred to in the application is vehicle registration number KBT 293T. The discrepancy has not been explained. I therefore decline to grant the orders sought. No orders as to costs.

Orders accordingly.

Dated, signed and delivered this **21<sup>st</sup>** day of **October 2014**

**R. E OUGO**

**JUDGE**

**In the presence of:**

.....  
.....**Petitioner**

.....  
.....**Court Clerk**

