

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1760 OF 1993

IN THE MATER OF THE ESTATE OF SAVAN NDIINGURI IBRAHIM (DECEASED)

RULING/DIRECTIONS

1. The application dated 25th February, 1999 seeks an order that the grant of Letters of Administration made to Ramadhan Muthama Ndinguri and Maimuna Wairimu Ndinguri on 28th September 1994 be revoked. The Applicant George Ndinguri Watute is an interested party in the said estate.
2. On 2nd February, 2013 the court was informed that the grant holders are dead and the Applicant sought for substitution before the application dated 25th February 1999 is heard. The court gave the 26th February 2013 as a mention date to confirm whether new administrators have appointed. On 26th February 2013, the court was informed that gazettelement had not been done. As a result 16th April 2013 was given for a further mention date. On 16th April, 2013 court was informed that grant had not been issued on grounds that gazettelement had not been done. The matter was then stood over generally.
3. On 17th September, 2013 the matter was brought before Kimaru J, who directed the Deputy Registrar to notify the parties on appropriate date to appear before the court for further directions. On 4th December 2013 parties were informed that the court would go through the records and give directions.
4. I have gone through the record herein and I have noted that the application for grant *de bonis non* has not been gazetted.
5. As the original grant holders, that is to say Ramadhan Muthama Ndinguri and Maimuna Wairimu Ndinguri, appointed to the office of administrators on 28th September 1994 are dead; the grant made to them has become inoperative and useless. I hereby by virtue of *section 76* of the Law of Succession Act revoke the said grant.
6. To move this matter forward, I hereby direct the Deputy Registrar to cause the gazettelement of the petition for letters of administration of assets un-administered, dated 21st October 2011 and filed herein on 31st October 2011.

DATED, SIGNED and DELIVERED at NAIROBI this 16th DAY OF May, 2014.

W. MUSYOKA

JUDGE

No advocate for the applicant.

No advocate for the objector.