

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 57 OF 2010

IN THE MATTER OF THE ESTATE OF JAMES SYANO (DECEASED)

VERONICAH MWENDE NZAU APPLICANT

VERSUS

PHILIP KIOKO NZAURESPONDENT

AND

JEREMIAH KYALO MALULU & 2 OTHERSINTERESTED PARTIES

RULING

1. The application dated **23rd August 2013** by way of summons is seeking an order substituting the name of **Phillip Kioko Nzau** with that of **Rechael Kaveni Nzau**.
2. The application is premised on grounds that letters of administration were granted to **Veronicah Mwendu Nzau** and **Phillip Kioko Nzau** in respect of the estate of **James Nzau Syano** on the **25th May 2012**. Now that **Phillip Kioko Nzau** is deceased there is need for substitution.
3. In a supporting affidavit **Rechael Kaveni Nzau**, states that the deceased had three **(3) wives** therefore it is in the interest of justice to have the substitution effected for purposes of representation of the house from which the **Phillip Kioko** emanated.
4. Having carefully considered the application, I do note that per the death certificate No. 326831, **Phillip Kioko Nzau** died on the **23rd October 2012**. The applicant herein is a second wife to the deceased. All other beneficiaries having been notified of her intention to become the co-administrator of the Estate following the demise of the person who had been appointed by the court and there being no objection; I do allow the application as prayed.
5. It is so ordered.

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

L.N. MUTENDE

JUDGE