

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI MILIMANI LAW COURTS
FAMILY DIVISION
SUCC. CAUSE NO. 386 OF 2013

IN THE MATTER OF THE ESTATE OF SIMON GITHUKU KANYATTA – (DECEASED)

PERIS WANJERI GITHUKU.....APPLICANT

RULING

1. The deceased SIMON PETER GITHUKU KANYATTA died intestate on 30th March 2012 and left a widow PERIS WANJERI GITHUKU (the applicant) and several children. On 21st February 2014 the applicant filed the present application seeking a special grant. The special grant was being sought:-

“limited for the purpose of operating Bank Account Number [particulars withheld] held in Ecobank Kenya Limited Fedha towers Branch and any other amount held in the names of the deceased...”

She stated that unless funds held in the aforesaid account were made available to maintain the estate of the deceased it stands to lay to waste resulting to irreparable loss and damage. The deceased was the holder of the account. The reason why the special grant was being sought instead of a full grant was because of what is stated in the foregoing. The family of the deceased has consented to the application.

2. There was no reason given why the applicant cannot seek a full grant. It does appear that because she is “impecunious” she wants to access the money in the account to spend it. She, however, states that she wants to use it to maintain the estate. The nature of the estate is not indicated. It is not indicated what in the estate may go to waste if the funds are not released. It was not shown how much the account has, and how much of it would be required to “maintain” the estate.

3. In short, there is insufficient basis and reasons to allow the application. It is directed that the applicant applies for a full grant.

DATED and DELIVERED at NAIROBI this 21st July, 2014

A.O. MUCHELULE

JUDGE