

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

SUCCESSION CAUSE NO.367 OF 2004

IN THE MATTER OF THE ESTATE OF:

JOHN NJOANI KABURU DECEASED

VERSUS

BENSON THAIRU KIAMBO APPLICANT/PETITIONER

RULING

By an application under certificate of urgency dated 27th February 2014 the applicant **Benson Thairu Kiambo** sought for Grant of Letters of Administration of the estate of **John Njoani Kaburu** who is the petitioner herein.

I must point out that this cause is in respect of the Estate of **Kaburu Muriithi** wherein the petitioner was **John Joani Kaburu** and the objector **Mary Muthoni Watatwa**.

This court has stated before that the procedure to be followed would be for the applicant to apply for Grant of Letters of Administration Ad Litem for the Estate of **John Njoani Kaburu** independently for purposes of substitution in this cause without making the application in the cause where substitution is sought.

However in view of the provision of **Article 159** of the **Constitution of Kenya** where now the court is required to look at substantial justice, I hereby allow the application dated 27th February 2014 and Grant Letters of Administration Ad Litem to the petitioner herein limited for the purposes of substituting the same in this cause as a petitioner in place of **JOHN NJOANI KABURU**.

Signed and dated this day of 2014

J. WAKIAGA

JUDGE.

Delivered by Justice J. Ngaah on behalf of Justice J. Wakiaga this 18th day of December ,2014

J. NGAAH

JUDGE.

In the presence of:

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