

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
SUCCESSION CAUSE NO. 2054 OF 2003

IN THE MATTER OF THE ESTATE OF CATHERINE MWIHAKI MUNUHE - (DECEASED)

RULING/DIRECTIONS

The summons dated 8th June 2005 seeks several orders. Prayers 1 and 2 have been spent following the appointment of Christopher Kibui Nderi Gathambo and Caroline Njeri Nderi on 6th May 2013 as administrators of the estate of the deceased. The only outstanding issue relates to prayer 3 on the confirmation of the grant.

The application dated 8th June 2003 has been opposed by the Caroline Njeri Nderi. Her affidavit was sworn on 8th March 2006. She raises a number of issues namely:-

- (a) that her co-administrator was not married to the deceased;
- (b) that he was never concerned nor involved in her life since her mother's demise, hence he did not provide at all for her upkeep, maintenance and education; and
- (c) that she has been managing the estate – she collected the pension dues and collects rental income on the landed properties.

The matter has since become contentious and the issues raised by Caroline Njeri Nderi can only be determined in a full trial.

For the purpose of determining the issues arising, I will treat the affidavit sworn by Caroline Njeri Nderi as her affidavit of protest to the confirmation prayer set out in the application dated 8th July 2005. For the purpose of determining the issues raised there shall be a trial founded on affidavit and oral evidence;

To facilitate the hearing I hereby give the following directions:-

1. That the parties shall within 21 days file and exchange witness statements and bundles of all relevant documents that they propose to put in evidence.
2. That the parties are at liberty to file and serve further affidavits within 21 days; and
3. That a date for the hearing of the application dated 8th July 2005 shall be fixed in court at the delivery of this ruling/directions.

SIGNED DATED and DELIVERED in open court this **30th** day of **August, 2013**.

W.M. MUSYOKA

JUDGE

