



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**SUCCESSION CAUSE NO. 225 OF 2002**

IN THE MATTER OF ESTATE OF NJURURI MWAGIRE..... DECEASED

AND

FREDRICK GITOGA MWAGIRE ..... APPLICANT

VERSUS

JAMES KARIUKI NJURURI

.....PETITIONER

**R U L I N G**

This application is dated 12/9/2012. M/s Ndorongo says it was served but I see no evidence of service on the file. The Petitioner/Respondent was however served with the hearing notice for 31/7/2013. He chose not to come to Court. The record shows that a certificate of confirmed grant was issued by this Court on 7/11/2003. The Applicant herein is one of the beneficiaries. He swears that the Petitioner/Applicant has not transmitted his share of the estate to him. Before this Court issues the orders prayed for, it is important for the Petitioner to appear personally before this Court to explain why he has failed to distribute the estate. The Deputy Registrar to issue and serve summons for such appearance for 14/8/2013 at 9am.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT EMBU THIS 1<sup>ST</sup> DAY OF AUGUST 2013.**

**H.I. ONG'UDI**

**J U D G E**

In the presence of;

M/s Ndorongo for Applicant

Applicant

Mutero – C/c