



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (MILIMANI LAW COURTS)**  
**SUCCESSION CAUSE 1071 OF 2012**

**IN THE MATTER OF THE ESTATE OF ELIAS MAINA GITHAIGA (DECEASED)**

**R U L I N G**

I have perused the certificate of urgency dated 13.6.2012 and the summons of the same date. The Applicant is the widow of the late **Elias Maina Githaiga**. She and her two sons and two daughters (**namely Micheal Gitia Maina, Polycap Githaiga Maina, Jane Wanjiru Ngobia and Lucy Wambui Maina**) survived the deceased who left amongst other properties, money in the Standard Chartered Bank in account numbers 0100352449500 and 0151252499500 which are said to hold a cumulative credit balance of about Shs.620,000/=.

The Applicant seeks orders to access and withdraw cash in the said account to meet payment of hospital bills which she has incurred at the Aga Khan Hospital. The bills are shown to be in excess of Shs.331,985/=

In her affidavit sworn on 13/6/2012, the applicant avers that her said children have consented to her request to access and withdraw the money in the said accounts so as to pay the hospital bills as they are not themselves able to pay.

It would have been preferable if the applicants' children gave written consents as they are all adults. I observe that the deceased died on 29.1.2012 and his estate consists of land, shares and cash in bank.

In view of the alleged illness, **I allow the application and order that** the applicant is authorized to access and withdraw a maximum of Shs.500,000/= from the Standard Chartered Bank from A/c numbers 0100352449500 and/or 0151252499500.

I direct that the Applicant shall petition for a full grant without delay. A copy of this ruling shall be supplied to the other beneficiaries of the estate through the area chief at Nyangio sub location, Kariti Location, P. O. Box 70, BARICHO.

**Dated at Milimani Law Courts, Nairobi, this 27<sup>th</sup> day of June 2012.**

**G.B.M. KARIUKI, SC**  
**JUDGE**

**COUNSEL APPEARING**

***Mr. Mr. K. Kahiro of Kimani Kahiro & Associates Advocates for Petitioner***

***Mr. Kugwa – Court Clerk***