



REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAIROBI

MILIMANI LAW COURTS

Succession Cause 1254 of 2010

IN THE MATTER OF THE ESTATE OF PETER NJUMARI GICHIMU (DECEASED)

RULING

PETER NJUMARI GICHIMU (the deceased) died on 27th May 2008. He was survived by his wife, **Ann Wanjiru Gichimu** and a daughter, **Jane Wakarindi Njumari** and a son **Gerald Gichimu Njumari**. He left an Estate comprising cash in bank and parcels of land whose title numbers are particularized in the petition filed in this court on 23rd June 2010 by Messrs Jane Wakarindi Njumari, Jane Wanjiru Gicimu, Joseph Gichimu Wambugu and Gerald Gichimu Wanjugu (**the petitioners**) seeking a Grant of Letters of Administration intestate which was on 21st January 2011, made to them.

The beneficiaries of the said deceased's estate appear from the record to be Jane Wakarindi, the deceased's daughter, and Gerald Gichimu, the deceased's son. Both are young persons and the latter is a minor.

Following their application dated 16.6.2011, the Petitioners sought and obtained on 17.6.2011 an order to access Shs.304,957/= from account No.4715637 at Barclays Bank, Haile Selassie Branch, Nairobi, ostensibly to meet the "*immediate and foreseeable exigencies pertaining to education and maintenance*" of the dependants of the estate.

On 28.3.2012, the applicants applied for an order to be allowed to access and receive from the deceased's Account No.4715637 at Barclays Bank, Haile Selassie Branch, Nairobi, a sum Shs.740,000/= and funds due to the Estate from K.T.D.A. Pension Scheme as well as funds due to the Estate on account of shares held at Chai Sacco Society Ltd so as to settle the medical bills at Meridian Equator Hospital relating to hospitalization of Jane Wakarindi Njumari, a daughter of the deceased who died while undergoing treatment. The bill is said to have swollen to Shs.1,657,428/80. The application shows that the body of Jane Wakarindi Njumari is held at the said hospital and may not be released before payment is made.

Mr. N. Njoroge, the learned advocate for the administrators of the deceased urged the court to give the orders urgently. It is regrettable that the court file was temporarily misplaced thereby stifling the writing of this ruling earlier.

I am satisfied after perusing the application and hearing advocate Njoroge that the application ought to be granted. I allow it. I make orders in terms of prayers 1, 2 and 3 of the application. It is so ordered.

Dated at Milimani Law Courts, Nairobi, this 14th day of June 2012.

G.B.M. KARIUKI, SC

JUDGE

COUNSEL APPEARING

Mr. C. N. Njoroge, Advocate, of Lesinko & Njoroge, Advocates for the Applicants

Mr. Kugwa – Court Clerk