

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Succession Cause 387 of 2008

IN THE MATTER OF THE ESTATE OF CATHOGO WAGACA ALIAS GATHOGO WAGACA GATHOGO (DECEASED)

MARY GATHONI GATHOGO.....APPLICANT

VERSUS

CHRISTOPHER CAXSTON GATHOGO KARIUKI.....RESPONDENT

RULING

After this court, at the instance of Mary Gathoni Gathogo (the citor), issued the citation dated 23rd July 2008 calling upon Christopher Caxston Gathogo Kariuki (the citee) to enter appearance and accept or refuse to take letters of administration in respect of the estate of his late father Gathogo Wagaca alias Gathogo Wagaca Gathogo (the deceased), the parties recorded a consent that a grant of letters of administration be issued to both the citor and the citee after which the issue of distribution could be determined. Instead of causing the registry to issue the grant and thereafter apply for its confirmation and the distribution of the estate, the parties have filed affidavits and submissions and how they wish the estate to be distributed and asked me to determine the matter on those written representation.

That is putting the cart before the horse. I direct the registry to issue a grant of letters of administration to both the citor and the citee after which either of them can apply for confirmation. It is in that application that they should file affidavits on the distribution of the estate.

DATED and DELIVERED this 8th day of June 2010.

D. K. MARAGA
JUDGE.