

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Succession Cause 83 of 1994

IN THE MATTER OF THE ESTATE OF MBUGUA WANGUNYU KURIA – DECEASED

PETER KIHARA KURIA.....PETITIONER/RESPONDENT

VERSUS

HANNAH NYAMBURA KURIA...OBJECTOR/APPLICANT

COURT:

Relying on the affidavit of service allegedly sworn by Ominde Daniel, I allowed the applicant, Peter Kihara Kuria, to proceed with his application of 21/10/2009 ex-parte and issued an injunction. The respondent has now applied to set aside that injunction on the ground that she was not served with the application. In support of that application is the said Ominde Daniel's affidavit in which he has denied serving the respondent with the applicant's injunction application or swearing that affidavit of service. The applicant, Mr. Peter Kihara Kuria has now changed his story that the application was serviced by some lady known as Veronica Wangari. I direct the CID to investigate the matter and take appropriate action against whoever swore and or filed the affidavit sworn on 18th November 2009 and filed on 19/11/2009. Mention on 28/6/2010.

D. K. MARAGA
JUDGE.
8/6/2010