

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NYERI

Succession Cause 434 of 2006

IN THE MATTER OF THE ESTATE OF EVAN GACHUCHA MUYA – DECEASED

ALICE MURUGI MWANGI APPLICANT

Versus

JOHN WACHIRA EVANS

GACHUCHA MUYA RESPONDENT/PETITIONER

JUDGMENT

The summons for revocation dated 31st August 2006 was filed by Alice Murugi Mwangi. The petitioner/respondent John Wachira Evans Gachuchua Muya although served did not attend the hearing of the summons and did not oppose it. In her affidavit in support the applicant stated that she is a daughter of the deceased. In her lifetime she has been a defendant of the deceased. The petitioner failed to obtain her consent. That he concealed the succession cause from her to deny her her share of the estate. That the estate was distributed to a stranger namely Stephen Kimure Githinji. That further the petitioner omitted in the list of dependants a beneficiary namely Geoffrey Kanyi Evans. In view of the fact that there is no opposition to the application for revocation I grant the following orders in this judgment:-

- 1. A stay of proceedings is hereby granted in distributing the estate of the deceased comprised in Kiine/Kiangai/845.***
- 2. That the grant of letters of administration intestate made on 29th May 2003 and confirmed on 20th February 2004 to JOHN WACHIRA EVANS GACHUCHA MUYA in Kerugoya Principal Magistrate Succession Cause No. 253 of 2002 be and is hereby annulled and revoked.***
- 3. A fresh grant be hereby issued in the names of Alice Murugi Mwangi and John Wachira Evans Gachucha Muya.***
- 4. The costs of the summons dated 31st August 2006 are awarded to the applicant as against the respondent.***

Dated and delivered this 10th day of February 2009.

MARY KASANGO

JUDGE