



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS

)

Succession Cause 1400 of 2005

**IN THE MATTER OF THE ESTATE OF ABBAS ATHUMANI ALIAS MICHAEL KIMANI
MANINU (DECEASED)**

R U L I N G

In this matter relating to the estate of the late **MICHAEL KIMANI MANINU** alia **ABBAS ATHUMANI, DAMARIS WANJIKU MANINU & MARGARET KANINI KATUKU** were on 8th September, 2005 appointed as the administrators. Before then, **AZIZA JUMA ATHUMANI** and **FATUMA HASSAN WAMBUI** were cited as having failed to take out letters of administration by the said **DAMARIS WANJIKU** and **MARGARET KANINI**.

In or around March, 2006, by Summons dated 13th March, 2006, **AZIZA JUMA ATHUMANI** applied for revocation or annulment of grant. Again on 28th July, 2008, the same **AZIZA JUMA** filed an affidavit sworn on 28th July, 2008 claiming that a plot No. L.R. 2/39 bought by the deceased under the Posts & Telecommunications Employee Housing Cooperative Society Ltd. be included in the list of assets. This was after an administrator **DAMARIS WANJIKU MANINU** filed a summons for confirmation of grant on 26th March, 2007.

On 24/2/2009, by consent, Onyancha J. ordered that **AZIZA JUMA** be appointed a joint administrator. That must have settled the application for revocation. However, I observe that she has not yet been formally included in the letters of administration. In addition, now she claims to object to the proposed mode of distribution, but she has not filed her own proposal on who the beneficiaries are, what the assets are, and her proposed mode of distribution. Because of that gap; I cannot make a substantive decision on the application for confirmation of grant.

I therefore order as follows-

1. Aziza Juma Athumani should formally be

Included in the certificate of grant of letters of administration herein, as a co-administrator as ordered by the court of 24th February, 2009.

2. Aziza Juma Athumani should within 14 days

from today file and serve her own list of assets, list beneficiaries and proposed mode of distribution of the estate, including the additional land asset.

3. *Thereafter, a hearing date for the summons for confirmation of grant be taken in the registry.*

Dated and delivered at Nairobi this 10th day of November,
2009.

George Dulu

Judge.

In the presence of-

Damaris Wanjiku Maninu

Aziza Juma Athumani

David Court clerk.