

REPUBLIC OF KENYA

**IN THE HIGH COURT OF KENYA
AT MERU
Succession Cause 377 of 2009**

IN THE MATTER OF THE ESTATE OF M'MUNUU METAYA (DECEASED)

GRACE NCULUBI M'MUNUU PETITIONER

RULING

This ruling relates to the summons dated 12th October 2009. The widow of the deceased, namely, Grace Nculubi M'Munuu petitioned for grant of letters of administration intestate in respect of her deceased husband estate. In that petition, she listed those surviving the deceased as herself and her six children whose ages range from 39 years to 25 years. Before the matter is gazetted, the applicant seeks an order that she be issued with a special limited grant for purpose of operating and withdrawing money from the deceased bank account in Barclays Bank Meru. She also seeks that she be allowed to withdraw Kshs. 300,000 from that account. In the affidavit in support of the application, she stated that the deceased's two children are in school and require school fees. That further the other children require money for daily upkeep. She stated in that affidavit that the deceased was the sole bread winner and on his demise there was an account holding over Kshs. 500,000/=. Annexed to that affidavit is a letter written by the Kenya Medical Training College which confirms that one of the beneficiaries namely, Peter Mweteria Muunu was a student at the college undertaking a diploma course. That letter did not indicate when the said beneficiary joined the college, how long his course would be or when he would be likely to finish the course. The letter also does not indicate any fees owed by the said beneficiary. The applicant further annexed the fee structure of that college for the years 2006 - 7 and 2008 - 09. I am not of the view that the application sought should be granted. The applicant has failed to show a ground which would cause this court to grant the orders that are sought. In addition, the beneficiaries who all are of age have not consented to the orders that are sought. For that reason, the summons dated 12th October 2009 is hereby dismissed with no orders as to costs.

Dated and delivered at Meru this 6th November 2009.

MARY KASANGO

JUDGE