

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Succession Cause 479 of 2004

IN THE MATTER OF ESTATE OF LABAN KATAMBA MMBOGA (DECEASED)

HESBON ESEMERE GADAMBA. APPLICANT

VERSUS

LABAN ANZENZE KATAMBA. RESPONDENT

R U L I N G

I have examined the court record. The Respondent was served through his wife who received the hearing notice although she declined to sign. The summons before the court however, is for the removal of the co-administrator because he has refused to co-operate to administer the estate. The coincidental point is that the applicant and the respondent appear to be the only beneficiaries of the estate of the deceased. The main issue therefore is distribution. In refusing to co-operate, the respondent has made distribution impossible since 2004. Hence the need to have the respondent in court to state his view as to how the deceased's estate should be distributed.

In the court's view, the Respondent should be inclined to give the respondent the last chance to appear in court and propose his stand on how the estate should be distributed. If he fails to turn up during next hearing date, the court will proceed to hear the applicant and proceed to decide the mode of distribution, the absence of the respondent notwithstanding. The Respondent is accordingly hereby given notice to that effect and should therefore take this ruling seriously and attend court on the next hearing date.

ORDER

1. Hearing of summons for Revocation on 30th June, 2008.
2. Each party to file proposal for distribution of the estate within 30 days.
3. This ruling and a hearing notice to be served upon the Respondent within 14 days, by Vihiga court Process-Server.

Dated and delivered at Nairobi on 19th May 2008.

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D A ONYANCHA

JUDGE