

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU

Succ. 615 of 2002

IN THE MATTER OF THE ESTATE OF KURU MURAGE.....DECEASED

VERONICA WANJIRU WAKURU.....PETITIONER

VERSUS

DAVID MUCHIRI GAKURU.....OBJECTOR

RULING

David Muchiri Gakuru filed an objection opposing the petition of a grant of letters of representation in the estate of his deceased father to the petitioner Baronica Wanjiru Wakuru. His objection is that he is the one entitled to a grant as he is the son of deceased and was closest to his father. However the petitioner said that the objector is a son of her mother but not of her father. The objector and his sister were children of another father and when their father died their mother was taken over as wife by Gakuru. The objector gave evidence and called witnesses. The petitioner also gave evidence and called witness. There seems to be misunderstanding. The person appointed administrator of the estate does necessarily inherit the estate unless he is a beneficiary. Also a grant must be issued before distribution is allowed. In granting the letter of administration the court has discretion as to the person or person to whom a grant shall in the best interest of all concerned he made.

I have examined the evidence and the wishes of the objector I find his objections are without merit. I dismiss the same and order a grant be issued to the petitioner forthwith.

No order as to costs.

It is so ordered.

Dated this 13th May, 2008.

J. N. KHAMINWA

JUDGE

13/5/2008

Khaminwa – Judge

Njue – Clerk

Read in presence of parties.

J. N. KHAMINWA

JUDGE