

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

Succession Cause 529 of 2007

IN THE MATTER OF THE ESTATE OF

HEINZ JOACHIM WAHNER.....DECEASED

JOYCE WAMBUI NYOIKE.....PETITIONER

R U L I N G

I have considered the oral submissions of the applicant, Joyce Wambui Nyoike. I have also read the Chamber Summons dated 21st April 2008 plus the supporting affidavit. The orders sought therein need to be considered urgently. The record shows that the firm of M.K. Mulei & Co. Advocates are on record for Ann N. Penninah who claims to be the deceased's step daughter. The aforesaid step daughter seeks to have the deceased's body cremated while Joyce Wambui Nyoike, in this application seeks to have the deceased's body buried. I certify the Chamber Summons dated 21st April 2008 as urgent. Let it be served upon the firm of M.K. Mulei & Co. Advocates who should file their responses if any on or before 6th May 2008. The application is fixed for inter partes hearing on 8th May 2008.

Dated and delivered at Mombasa this 2nd day of May 2008.

J.K. SERGON

J U D G E