

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

Succession Cause 343 of 2000

IN THE MATTER OF THE ESTATE OF MARGARET JUDITH – DECEASED

RULING

The Objector Joy Mukwahana Wabuke has filed the summons for revocation dated 12th May, 2006 seeking to revoke the grant of representation issued to the Administratrix on 18th February, 1994. The said grant has not yet been confirmed.

The Objector in her affidavit in support and further affidavit has averred that she is the daughter of the deceased and the averments made by her grandmother in the petition that the deceased died without having any children is an apparent concealment of material fact. She has also referred to the affidavit in reply purported to have been sworn by the Petitioner on 5th February, 2007 as well as the petition tiled and stated that the signature appended to the said affidavit cannot be that of the Petitioner as she is an illiterate lady who always thumb prints her documents.

In any event, in the said affidavit the Petitioner has agreed that the Objector is her grand daughter. The birth certificate annexed to her affidavit dated 22nd August, 1975 specifically confirms those averments made by the Petitioner as well as by the Objector.

The Petitioner furthermore has averred that the deceased had many children though not named) except one Paul John Francis Regs Symba.

Without much ado, I do agree with the testimony and averments made by the Objector that the Petitioner has concealed material fact of the deceased having children.

I have thus no option but to revoke the grant of representation issued on 18th February, 1994 although I do frown on the delay taken by the Objector to file the summons for revocation. I shall thus not award any costs to the Objector.

To expedite the finalization of this old matter, I order that a joint grant be issued in the names of the Objector and Paul John Francis Symba.

Dated and signed at Nairobi this 19th day of November, 2008.

K.H. RAWAL

JUDGE

19.11.08