



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(MILIMANI LAW COURTS)

Succession Cause 2466 of 2006

IN THE MATTER OF THE ESTATE OF DR STANLEY MAORE MUGWIKA

(DECEASED)

PETITION FOR LETTERS OF ADMINISTRATION AD COLLIGENDA BONA

RULING

On 23.10.06 a petition for letters of administration ad colligenda bona dated 12.10.06 came up for hearing before me. The petitioners were represented by learned counsel, Mr. H. Kurauka. There was inadequate information about various expenditure items and I was constrained to decline granting prayers in respect thereof and the petitioners were advised to provide further and better particulars of those expenditure items.

The petitioners were, however, in the meantime granted letters of administration and colligenda bona for the following purposes:-

1. Pursuit of the two court cases referred to at paragraph 9 (e) of Julia Wanja Maore's affidavit sworn on 12.10.06 and filed on 23.10.06. [The cases in question are Chief Magistrate's Court Civil Case No.7533 of 2006 (Milimani) and High Court Civil Case No.307 of 2006 (Milimani)].
2. Getting particulars of deceased's accounts in the various banks or financial institutions to facilitate petitioning for full grant.
3. Getting particulars of deceased's indebtedness.
4. Particulars of requirements for fees and medical expenses.

The court was informed by petitioners' counsel that a petition for full grant was expected to be filed within two weeks. As at 15.11.06 the anticipated petition for full grant had not been filed. The reason given for non-filing of petition for full grant was that there was a pending ruling. On that date the pending ruling was delivered and it was to the effect that greater efforts should be made by the petitioners to furnish the court with requisite information (relating to the relevant expenditure items) to assist the court in making an informed decision regarding the various items on which the petitioners sought authority to incur expenditure while waiting to file petition for full grant for processing.

The petitioners subsequently filed a further affidavit through Julia Wanja Maore sworn on 06.11.06 vide which additional expenditure particulars have been furnished to the court. The said expenditure items fall under the following broad categories:-

1. Medical

The deponent, Julia Wanja Maore has deposed that she as deceased's widow and her 4 children suffer from severe traumatic grief following the killing of the deceased and that they attend weekly treatment sessions which in a year cost Kshs.252,200/=.

2. School/Academy Fees

That fees required for the 4 children at their various institutions of learning next term amount to Kshs.89,300/=.

3. Lawyers Fees

That the beneficiaries (to the deceased's estate) need to pay fees to the Advocates acting for them in this matter and that these fees are to the tune of Kshs.327,000/=.

The total of the amounts under the three items above comes to Kshs.668,500/=, which the petitioners seek the court's authority to withdraw from the deceased's estate.

The purposes for which the various amounts of money are required sound genuine. Accordingly and subject to availability of funds in the deceased's estate, the petitioners are hereby authorized to obtain money from the said estate to meet expenditure for the following items:-

- a) Medical - Kshs.252,200/=
- b) School/Academy Fees - Kshs. 89,300/=
- c) Lawyers Fees - Kshs.327,000/=

Total - Kshs.668,500/=

It is further ordered that this matter be mentioned on 31.05.07 for the petitioners to give an account on how the Kshs.668,500/= will have been spent and also to apprise the court on progress made towards filing petition for full grant.

Orders accordingly.

Delivered at Nairobi this 20th day of March, 2007.

B.P. KUBO

JUDGE