

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

MISC SUCC CASE NO 12 OF 2012

IN THE MATTER OF THE ESTATE OF:

MOHAMED SHAFI HERI (DECEASED)

R U L I N G

By a summons dated 18th April 2007, Rehema Juma Shafi applied to have the limited letter of administration in respect of the Estate of Juma Shafi, deceased, issued to Asha Juma Shafi to be revoked. She filed an affidavit she swore in support of the application.

When served with the summons, Asha Juma Shafi filed a notice of preliminary objection to oppose the summons. In that notice, she claimed that she was not the administratrix of the Estate of Juma Shafi, deceased. She urged this court to strike out the application.

I have perused the summons plus the supporting affidavit. I have also perused the notice of the preliminary objection. It is clear that the Respondent herein, Asha Juma Shafi was granted limited letters of administration in respect of the Estate of Mohamed Shafi Heri, deceased. In this regard I agree with the submissions of Mr. Alwenya, learned advocate for Asha Juma Shafi, that his client is not the administratrix of the Estate of Juma Shafi. The documents annexed to the affidavit of Rehema Juma Shafi indicate that Asha Juma Shafi was granted limited letters of administration in respect of the Estate of Mohamed Shafi Heri. For the above reasons I am convinced that the preliminary objection has merit, it is allowed as prayed with costs to the Respondent. Consequently the application is struck out with costs.

Dated and delivered at Mombasa this 18th day of May 2007.

J.K. SERGON

J U D G E

In open court in the presence of Mr. Alwenya for the Respondent and in the presence of the applicants.