

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU

Succession Cause 18 of 2004

IN THE MATTER OF THE ESTATE OF M'RINGERA M'MUKINDIA.....DECEASED

ELIZABETH NDIMI M'RINGERA.....PETITIONER

M'RINGERA M'MUKINDIA ALIAS RINGERA MUKINDIA.....DECEASED

VERSUS

JENIFFER KARAMBU.....OBJECTOR

RULING

This is an *ex parte* application in which the applicant is seeking leave to file objection and cross petition (I believe, out of time). It is the applicant's case that the petition herein was filed secretly and grant obtained fraudulently.

That he learnt of the cause when she visited the court registry. She has averred that she has been living on the subject parcel of land with her children and would suffer greatly if she is not included in the succession cause.

Neither he petitioner nor his counsel attended the hearing of this application although the date was taken in the presence of another counsel who was holding the petitioner's counsel's brief. There was also no reply to this application.

The cause was filed by the petitioner on 2nd February, 2004. However, the grant has not been made to him, although the cause was gazetted way back in February, 2004.

The applicant has not stated when she learnt of the cause and even her relationship with the deceased apart from the fact that she is a daughter in law without specifying how, it is in the interest of justice that her application be allowed under Rule 17 of the Probate and Administration Rules. The cause has not progressed beyond the gazette notice.

It is ordered that the applicant shall file her objection; answer to the petition and cross petition within 30 days from the date of this order.

I make no orders as to costs.

DATED AND DELIVERED AT MERU THIS 26TH DAY OF JULY 2007

W. OUKO

JUDGE