

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

Succession Cause 216 of 2005

IN THE MATTER OF THE ESTATE OF THE LATE PETER NGUSALE MUTOKA

BETWEEN

MARY MBONE MUTOKA..... PETITIONER

AND

JASCINTAR XAVIER KHATIAKALAOBJECTOR

RULING

Mary Mbone Mutoka, the Petitioner in succession cause No. 216 of 2005 urged the court on 22.10.2007 to consolidate that cause with Succession cause No. 307 of 2005 because they both relate to the same estate (of Peter Ngusale Mutoka, deceased).

In cause No. 216 of 2005, the Grant Letters of Administration Intestate was made on 6.7.2005 to Mary Mbone Mutoka while in cause No. 307 of 2005, the Grant of Letters of Administration was made on 31.1.2006 to Jacinter Xaviers Khatiakala.

It is not desirable that there be two succession causes in respect of the same estate. Accordingly, I order that the two causes be consolidated and the two grants aforesaid be cancelled and a fresh Grant issued in the names of the two administratrices.

Delivered at Kakamega this 22nd day of November, 2007.

G. B. M. KARIUKI

J U D G E