

REPUBLIC OF KENYA
IN THE HIGH COURT AT EMBU
SUCCESSION CAUSE 92 OF 2007

IN THE MATTER OF THE ESTATE OF RICHARD KARIUKI-DECEASED

SERAPHINE MUTHONI.....PETITIONER

VERSUS

ISABELLA G. MATHEKA.....OBJECTOR

JUDGMENT

There is objection to the making of grant to Seraphine Muthoni Kariuki the widow of deceased. Richard Kariuki Nyaga. The objector, Isabella G. Matheka objects because under form P & A5 paragraph 6 the petitioner did not include the fact that the estate had to pay the liability of hospital bills incurred by deceased. She said that she guaranteed the payment of hospital bills so that the body of deceased could be released for burial. She left her log book in respect of motor vehicle KAN 476 G to hospital authorities as security. The petitioner said she would pay the bill. The bill amounted to Ksh.450,623/=. There were witnesses to confirm this objector's claim and the Petitioner did not dispute the claim. She said she would pay after obtaining the grant. She said she had not been able to collect the estate without the grant. After considering the evidence I find the liability of the estate to the objectors claim is not disputed. The petitioner did not disclose this liability in P& A5 form. This was a serious omission.

I find that the grant shall issue to the petitioner and she will immediately discharge the hospital bill to enable the objector's log book to be released to objector. She will pay the debt within 30 days of the issue of the grant. The petitioner was at fault in this dispute she shall pay costs to the objector to be agreed upon or taxed. I order a grant to be issued to the petitioner forthwith

It is so ordered.

Dated this 9th November, 2007.

9/11/2007

Khaminwa – Judge

Njue - Clerk

Petitioner present

Read in open court.

J. N. KHAMINWA

JUDGE