



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI

Succession Cause 156 of 1996

MARY GATHIGIA KINYUA APPLICANT

VERSUS

EUNICE MUTHONI KINYUARESPONDENT

RULING

The summons the subject of this ruling is dated 24th February 2005. It seeks that the court will order that the transfer in respect of the properties of the deceased be signed by the executive officer instead of the Respondent who has refused to sign the same.

The grant hereof was confirmed on 17th October 1999. According to that confirmed grant the Applicant and the Respondent each received equal share of the deceased's benefits. The Applicant deponed in her affidavit that the Respondent has refused to sign the transfer in respect of the immovable properties.

When the matter came before court the Respondent was represented by Mr. Gitahi advocate. Counsel applied for an adjournment with view to getting client's instructions. On the court declining to grant an adjournment counsel left the court without seeking permission. The Respondent in response to the application stated; "I have no objection to the prayers."

I have considered the application and I proceed to grant the following prayers:

- (1) That the Deputy Registrar of this Honourable Court is hereby authorised to sign the forms of transfer
 - (i) NAROK MUTARA SOUTH BLOCK I/682
 - (ii) LAIKIPIA NANYUKI MARURA BLOCK iii SWEET WATERS and
 - (iii) PLOT NO. DANDORA PHASE 4 D 1104 B NAIROBI, on behalf of the Respondent.
- (2) The Applicant, Mary Gathigia Kinyua is granted costs of the summons dated 24th February 2005.
- (3) Orders accordingly.

Dated and delivered at Nyeri this 10th December 2007.

MARY KASANGO

JUDGE