



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAKURU**

**Succession Case 86 of 1996**

**LUCY WANGARE KANENE.....PETITIONER**

**VERSUS**

**HELLEN WAIRIMU MWANGI.....OBJECTOR**

**RULING**

The objector was the mother of the late James Kanene Mwangi (hereinafter referred to as “**the deceased**”) who died on 20<sup>th</sup> November, 1995. The Petitioner, Lucy Wangare Kanene applied for letters of administration of the Estate of the deceased and said that she was the widow of the deceased. The petition was filed on 12<sup>th</sup> March, 1996 and the objection was filed on 9<sup>th</sup> September, 1996. The objector also filed a cross petition for grant of representation of the deceased’s estate. The cross petition was filed on 25<sup>th</sup> October, 1996. She claimed that she was the one entitled to administer the deceased’s estate which she said consisted of the following:

- (a) A plot at Lanet
- (a) A shop at Nakuru Township
- (b) A bus registration number KAE 144Y
- (c) A pick-up Mazda
- (d) A Peugeot registration number KAD 135R
- (e) Life Insurance claim
- (f) Fatal Accident claim
- (g) Sundry Estate worth about Kshs.600,000/=

The Petitioner passed away on 8<sup>th</sup> January, 2000. Subsequent to her demise, Mr. Ikua who was acting for the petitioner told the court that a petition for letters of administration in respect of her estate had been filed in succession cause number 525 of 2001. He said that the matter would be heard on 26<sup>th</sup> September, 2003.

When this matter came up for hearing on 25<sup>th</sup> August, 2005, nothing was said about succession cause No.525 of 2001.

It appears to me that the petitioner, having died nearly five years ago, the petition that had been filed by her did not survive. No other person came forward to apply to administer the estate of the deceased. Before I make the final orders in this matter, I direct that succession cause number 525 of 2001 be mentioned before me in the presence of both Mr. Kahiga for the objector and Mr. Ikua who was acting for the petitioner. This should be done as soon as possible.

DATED, SIGNED and DELIVERED at Nakuru this 10<sup>th</sup> day of March, 2006

D. MUSINGA

JUDGE

Mention on 3.4.2006.

**D. MUSINGA**

JUDGE