

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KAKAMEGA

Misc Civ Appli 6 of 1999

JAHENDA NAJORIPETITIONER

V E R S U S

FAMINIS MUSIMBI GANIRARESPONDENT

R U L I N G

By his application dated 2-11-01 Famines Musimbi Ganira, the Objector/Applicant, sought orders that the Grant of Administration Intestate made on 22-3-99 to Nora Jahenda Najori, and the said applicant be confirmed. On 3-12-2002, the Court (Honourable Mr. Justice Waweru) gave directions that “the application be heard and determined upon oral and documentary evidence to be adduced and the principal parties as well as any beneficiary and interested parties be at liberty to lead and call evidence. The affidavits filed were to constitute pleadings of the respective parties.”

When the course came up for hearing on 12-6-2006, no evidence was adduced. The Objector through her counsel, Mr. Samba, prayed that the Grant be confirmed.

On the basis of the pleadings alone even if they be in the nature of affidavits and in absence of evidence, it is not possible for the court to confirm the Grant. Accordingly, the court declines to grant the order for the confirmation of the Grant.

Delivered, dated and signed at Kakamega this 15th day of June, 2006.

G. B. M. KARIUKI

J U D G E