



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MOMBASA

SUCCESSION CAUSE NO. 28 OF 1998

IN THE MATTER OF: THE ESTATE OF

PAUL KIBURI MURUNGI –DECEASED

ALVINA KAARI NAIBORO.....PETITIONER

=V E R S U S=

JOSEPH MURUNGI MICHIRA.....RESPONDENT

R U L I N G

Order XXIII rule 3(2) Civil Procedure Code applies to suits and appeals. In the present case the proceedings come under Succession Act, Cap.160.

A Grant of representation has already been issued to the Respondent.

By Originating Summons dated 25/5/1999 the Applicant Alvina Kaari Naiboro applied for orders against the Respondent (personal Administrator). She did not seek to revoke the Grant in this suit.

It is now said that the Applicant is now deceased. I have no reason to doubt the evidence laid before the court to this effect. There is no opposition to this application. In the circumstances, I allow application and grant orders prayed for with costs in respect of Chamber summons dated 4/12/2003.

Dated at Mombasa this 13th day of February, 2004.

JOYCE KHAMINWA

J U D G E

Delivered in the presence of Mr. Kenzi.

JOYCE KHAMINWA

J U D G E

Mr. Kenzi: I apply for a copy of the ruling certified.

Court: Order granted. Ruling to be given upon payment of copying charges.

JOYCE KHAMINWA

J U D G E