



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Duncan Mathenge Gitahi (Deceased) (Succession Cause
573 of 2002) [2004] KEHC 2318 (KLR) (Family) (6 February 2004)**

In Re DUNCAN MATHENGE GITAHI[2004] eKLR

Neutral citation: [2004] KEHC 2318 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

FAMILY

SUCCESSION CAUSE 573 OF 2002

MK KOOME, J

FEBRUARY 6, 2004

IN THE MATTER OF THE ESTATE OF DUNCAN MATHENGE GITAHI (DECEASED)

1. The grant of letters of Administration herein were confirmed on 25/11/02. The petitioners have filed a summons seeking for the certificate of the grant to include certain that were not included in the application of letters of Administration. The petitioner relies on the affidavits filed on 4/8/03 and 11/11/03. The petitioner also seek for the name of the Co-Administrator Jennifer Muthoni Ogembo he substituted with that of Benson Gituhi Mutonyi. Benson is the son who has now attained the age of maturity and it is prudent to held the grant jointly with his mother. The has also filed an affidavit filed herein on 11/11/03 and the Applicants have sought the rectified grant be issued to the widow and the son.
2. The petitioner has obtained copies of Titles, Shares certificates of the Assets that were not included in the confirmed grant. All the properties are in the of the . Accordingly I grant the orders sought that:
 - a) The property stipulated in paragraph 7 of the Affidavit of Esther Mwihaki Mathenge be included in the confirmed grant to be issued jointly to Esther Mwihaki Mathenge and Duncan Mathenge Gitahi. The property shall be held in Trust of the children and the widow shall have a life interest our all the properties.

It is so ordered.

RULING READ AND SIGNED ON 6/2/04.

M. KOOME

JUDGE

