

IN THE HIGH COURT OF KENYA AT KISII

SUCCESSION CAUSE NO.157 OF 2003

IN THE MATTER OF THE ESTATE OF MARK MOKUA DECEASED

BETWEEN

JOHN ONYINKWA MOKUA APPLICANT/PETITIONER

AND

FLORENCE KEMUMA MAKORI OBJECTOR

RULING:

The applicant/objector applies to court to revoke or annul Grant of Letters of Administration granted to JOHN ONYINKWA MOKUA in respect of the Estate of the deceased MARK MOKUA. The petitioner was a brother of the deceased. The objector is the widow of the deceased. Indeed as per the law the widow was the right person to apply for the Letters of Administration. However I do note that she signed a consent affidavit allowing the petitioner to apply for grant. The petitioner therefore did not obtain the grant fraudulently. Even in the forms filed he clearly shows the objector and her sons as the heirs. It now seems that he has changed her mind.

In the circumstances I hereby revoke the grant given to the petitioner and issue a fresh grant in the joint names of the petitioner and the objector. It is so ordered.

KABURU BAUNI

JUDGE

28/4/04