

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MOMBASA

succ cause 19 of 03

IN THE MATTER OF: THE ESTATE OF MZEE ALMASI MUKIRA

(DECEASED)

A N D

IN THE MATTER OF: PETITION FOR SPECIAL LIMITED GRANT

A N D

IN THE MATTER OF: APPLICATION BY EXECUTORS AND TRUSTEES

OF THE WILL OF MZEE ALMASI MUKIRA

DECEASED.

R U L I N G

Mr. Japheth Asige, one of the executors of the will of Mzee Almasi Mukira deceased sought for two interim orders namely for certification of this application to be urgent and restraining orders against Farida Almasi Mukira and Salama Almasi Mukira from dealing with the properties of the deceased estate pending the hearing and determination the application dated 17.3.2003. The application sets out the ground relied upon and the same is also based on the affidavit of Japheth Asige sworn on 14th March 2003. I have perused the application and the supporting Affidavit. I have also heard submissions of the applicant. This court has wide powers under section 47 of the law of succession Act (Cap. 160) Laws of Kenya and also under rules 49 and 73 of the Probate and Administration rules to protect the property of the deceased Estate from any form of danger. I am satisfied that this application is urgent and I hereby certify the same to be urgent hence it should be heard on a priority basis. I also hereby make an order of temporary injunction restraining Farida Almasi Mukira and Salama Almasi Mukira from intermeddling and or receiving, collecting any income and rents from any tenant in occupation of the premises and buildings situate on parcel number Mombasa/Block XX/62A and Embu Municipality/87 or any other property comprising part of the Estate of the late Mzee Almasi Mukira (deceased) and notwithstanding the fact that they possess Limited Grant of Letters of Administration ad colligenda bona pending the hearing of this application inter partes on 2nd April 2003.

Dated at Mombasa this 19th day of March 2003.

J. K. SERGON

J U D G E