

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
SUCCESSION CAUSE NO. 1679 OF 1996

IN THE MATTER OF THE ESTATE OF BENSON BITEY OLE

SAMPERU (DECEASED)

ZAMBEZI RITEY APPLICANT

VERSUS

SAMPERU NKONGONI RESPONDENT

COURT:

While I am satisfied with what Baraka Janekin Ritey, the proposed co-Administrator has said and I am ready to dispense with appearance by or affidavit or consent from Sankule Faridi Ritey said to be sitting for Form IV examination, I feel reluctant to accept the absence of the Respondent, the co-Administrator to be replaced, as an affidavit or signed consent from him, even if he does not want to come to court is very crucial. Notwithstanding what is stated in the affidavit of service dated 4th November 2002 therefore, I do hereby direct that fresh service be effected upon him through this court's process server not less than 14 clear days to the date of further hearing to be taken at the Registry.

The documents to be served to include the Applicant's summons dated 12th June 2002, its supporting affidavit together with annexures as well as a copy of this court order, to enable the Respondent Samperu Nkongoni file and serve his replying affidavit, stating whether or not he supports the Applicant's summons. Alternatively he may file and serve a written and signed consent in support of the Applicant's summons or choose to come to this court to let the court know his views. The said Respondent to file his papers, if any, within 14 days from the date of service upon him, of the Applicant's aforesaid summons.

Dated this 5th Day of November 2002.

J.M. KHAMONI

JUDGE