



**REPUBLIC OF KENYA**

**National Bank Of Kenya Ltd v Hon. John Paul Titi**

**High Court Of Kenya At Nairobi**

**December 15, 2000**

**Milimani Commercial Courts**

**T Mbaluto, Judge**

**Civil Case No. 1703 Of 1997**

**December 15, 2000 T Mbaluto, Judge delivered the following ruling.**

This is an application under paragraph 4 of the 5th Schedule of the Law of Succession Act, rule 49 of the Probate and Administration Rules, sections 3A and 37 of the Civil Procedure Act, for an order that Mrs. Edith Khasoha Titi be constituted as the Administrator of the Estate of John Paul Titi (Deceased) the defendant in this matter for the purposes of continuation of the suit. The application is supported by an affidavit sworn by Frederick Mumenya Wahome, the manager of the plaintiff bank at its Kisumu Branch.

On the basis of the evidence contained in Mr. Wahome's affidavit as well as submissions by learned counsel for the plaintiff (Mrs. Otieno), I am satisfied that the plaintiff is entitled to the orders it seeks in this application. Accordingly the application is allowed as prayed. Costs of the application will be in the cause.