



In Re Estate Of The Late Jeremiah Ngatia Gathii (deceased) (Succession Cause 38 of 2009) [2024] KEHC 12496 (KLR) (16 October 2024) (Ruling)

Neutral citation: [2024] KEHC 12496 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 38 OF 2009
PN GICHOHI, J
OCTOBER 16, 2024**

**IN THE MATTER OF
DAMARIS NYAMBURA NGATIA APPLICANT**

RULING

1. The court has now accessed the amended summons filed on 16/10/2024. It seeks orders:-
 - i. That this court be pleased to set aside/vary orders issued on 10/10/2018 dismissing the same.
 - ii. That this court be pleased to reinstate the suit herein and the file be ordered transfer to Nyandarua High Court at Ol Kalou for conclusion of the case.
2. The grounds thereof and affidavit in support are considered.
3. The court also confirms that indeed the grant of representation was revoked pursuant to Section 70 of the Law of Succession Act.
4. In the interest of justice the application is allowed in that:-
 - i. The orders herein issued on 10/10/2018 be and are hereby set aside.
 - ii. This mater be and is hereby transferred to Nyandarua High Court at Olkalou for further orders towards its hearing and disposal.

DATED, SIGNED AND DELIVERED AT NAKURU THIS 16TH DAY OF OCTOBER, 2024.

PATRICIA GICHOHI

JUDGE

In the presence of:

Mr Mugo for Ndegwa Wahome for the Applicant

Ruto, Court Assistant



