

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT GARISSA

FAMILY DIVISION

SUCCESSION CAUSE NO. E007(A) OF 2020

IN THE MATTER OF THE ESTATE OF IRMA FORNASERO (DECEASED)

RULING

1. The Father In-charge (Catholic Reverend) of the Order where the deceased served as a nun, petitioned the court for grant of representation, ostensibly because the deceased had made her intention of what should happen to a property where she build a house for old people and destitute persons.

2. The court directed that a relative of the deceased within the degree of consanguinity permitted in law ought to have been a petitioner. In the alternative and in the peculiar nature and circumstances of the matter such a person could be enjoined to the pleadings as the law does not recognize the relationship between the bishop and the deceased and especially in a situation where the deceased has relatives and did not leave behind a Will.

3. **SIGNORA NADIA BERNARDI** moved the court by way of summons on the 14th of December 2021 seeking to be joint as a co-administrator alongside **RT. REV ALESSANDRO JOSEPH** the initial petitioner. She described herself as the next of kin; a niece to the deceased who did not marry or have children in her lifetime.

4. The court notes that the ideal process should have been to file a fresh petition to allow the sureties and guarantors be notified of new changes. However devoid of technicalities noting that **SIGNORA NADIA BERNARDI** resides in Italy and the back and forth in the matter as the initial petitioner is acting in person, this will not be efficacious. The court will as a result invoke Section 159 (2) (d) of the Constitution 2010 in order to move this matter forward.

The application therefore be and is hereby granted so that **SIGNORA NADIA BERNARDI & RT. REV ALESSANDRO JOSEPH** are appointed as administrators herein.

A Grant of Letters of Administration do issue forthwith.

DELIVERED AND SIGNED AT GARISSA THIS 15TH DAY OF FEBRUARY, 2022

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ALI-ARONI

JUDGE