



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

SUCCESSION CAUSE NO. 2574 OF 2015

IN THE MATTER OF THE ESTATE OF DAVID MWAURA KARABA (DECEASED)

JUDGMENT

The Applications

This Ruling relates to four applications by way of Summons for Confirmation of a Grant issued on 3rd October 2017 in respect of the estate of David Mwaura Karaba, deceased. The first Summons for Confirmation of Grant is dated 20th February 2017. It is brought by Wingrace Wanjiku Wambugu (Wingrace). It is supported by her affidavit of the same date. In that Affidavit, Wingrace named the following as children of the deceased:

1. Esther Angela Wangari Mwaura
2. Mark Kelvin Wambugu
3. Esther Lynda Wangari
4. JWM
5. PKM

She named the following as other dependants of the deceased:

1. Wingrace Wanjiku Wambugu
2. Mary Wakari Gutuba
3. Susan Wanjiru Kinyanjui
4. Esther Wangari Karaba

She has identified the assets forming the estate of the deceased and the proposed mode of distribution as follows:

Beneficiary	Description of property	Shares
Mary Wakari Gutuba	Kamenu Estate No. 811	On her own behalf and in trust of JW and PK
Mary Wakari Gutuba	Motor Vehicle Registration No. KBE 224H	On her own behalf and in trust of JW and PK
Susan Wanjiru Kinyanjui	Block No. 1.919	Absolutely
Wingrace Wanjiku Wambugu	Block No. 1/1774	Absolutely
	Block No. 1/1775	To be sold and the proceeds distributed as follows:-

		<p>Esther Karaba – 30%</p> <p>Wingrace Wambugu – 20%</p> <p>Susan Kinyanjui – 20%</p> <p>Mary Gutuba – 30%</p>
	KCB A/C No. 112xxxxxx	<p>Esther Karaba – 20%</p> <p>Wingrace Wambugu – 25%</p> <p>Susan Kinyanjui – 25%</p> <p>Mary Gutuba – 30%</p>

The second Summons for Confirmation of Grant is dated 20th March 2017. It is brought by Mary Wakari Gutuba (Mary). In her Supporting Affidavit of the same date, Mary acknowledges that the deceased was married to Wingrace Wanjiku Wambugu and Susan Wanjiru Kinyanjui. She however claims that the marriage between the deceased and Wingrace and Susan respectively had broken down and the two women got married elsewhere and that the deceased was not supporting them and their children. She deposed that she was married to the deceased and they both had two children, namely:

1. JWM
2. PKM

She deposed that her children and her were dependants of the deceased and that he was supporting them. She claims that before she got married the deceased had acquired and developed property known as THIKA MUNICIPALITY BLOCK 1/1774; that the deceased bought properties known as THIKA MUNICIPALITY BLOCK 1/919 and THIKA MUNICIPALITY BLOCK 1/1775 through a bank loan which loan has been settled; that property known as THIKA MUNICIPALITY BLOCK 1/1775 was bought through a bank loan which loan is still outstanding. She further states that they bought their matrimonial home known as Kamenu Estate House No. 811 from Thika Municipal Council and developed and improved it and that she is yet to be issued with the Lease Certificate.

She has identified the assets forming the estate of the deceased as follows:

1. Thika Municipality Block 1/1774.
2. Thika Municipality Block 1/1775.
3. Thika Municipality Block 1/919.
4. Kamenu Estate House No. 811.
5. Motor Vehicle Registration No. KBE 224H.
6. Equity Bank Account No. 034xxxxxxxxxx.
7. Equity Bank Account No. 034xxxxxxxxxx.
8. KCB Account No. 111xxxxxx.

She proposed the following mode of distribution:

Particulars	Shareholder remains
1. Thika Municipality Block 1/1774	To be registered to Wingrace Wanjiku Wambugu, Susan Wanjiru Kinyanjui and Esther Wangari Karaba for their own behalf and that of Angela Esther Wangari Mwaura and Lynda Esther Wangari
2. Thika Municipality Block 1/1775	Mary W. Gutuba hold in trust for JWM and PKM.

3.	Thika Municipality Kamenu Estate Hse. No 811 and Thika Municipality Block 1/919	Mary W. Gutuba absolute.
4.	Cash In: i) Equity Bank Account No. 034xxxxxxxx. ii) Equity Bank Account No. 034xxxxxxxx and iii) KCB Account No. 111xxxxxxx	Funds available pay KCB Bank Loan account No. 111xxxxxxx.
5.	Motor Vehicle Registration No. KBE 224H	Mary Wakari Gutuba

The third Summons for Confirmation of Grant is dated 23rd June 2017. It is filed by Susan Wanjiru Kinyanjui. She denied that her marriage to the deceased was ever dissolved or annulled and that she has not entered into any other marriage. She identified the children of the deceased as:

1. Esther Angela Wangari Mwaura.
2. Esther Lynda Wangari Mwaura.
3. JWM
4. PKM.

She also identifies the following as other dependants of the deceased:

1. Susan Wanjiru.
2. Mary Wakari Gutuba.
3. Esther Wangari Karaba.

She denied that the deceased was supporting Wingrace Wanjiku Wambugu and her daughter Esther Angela Wangari Mwaura because the deceased had parted ways with Wingrace before he died and that Wingrace had been married and born Mark Kelvin Wambugu. She stated that she and her daughter Esther Lynda Wangari Mwaura depended on the deceased as direct dependants. She claimed that property known as Plot No. THIKA MUNICIPALITY BLOCK1/1774 was bought and developed jointly by the deceased and herself from proceeds of a bar business they operated and that she used to live in House No. 811 Thika Kamenu Estate with her late husband which house was bought and developed with her input, financial contribution and participation. She identified the following as the assets forming the estate of the deceased:

1. Thika Municipality Block 1/1774.
2. Thika Municipality Block 1/1775.
3. Thika Municipality Block 1/919.
4. Kamenu Estate House No. 811.
5. Motor Vehicle Registration No. KBE 224H.
6. Equity Bank Account No. 034xxxxxxxx.
7. Equity Bank Account No. 034xxxxxxxx.
8. KCB Account No. 111xxxxxxx.

She proposed the following mode of distribution:

	Particulars	Shareholder remains
1	Thika Municipality Block 1/919	Esther Wangari Karaba

2.	Thika Municipality Block 1/1774	Mary Gutuba on her own behalf and in trust for JWM and PKM
3.	Kamenu Estate Hse No. 811	Mary W. Gutuba hold in trust for JW M and PKM.
4.	Vehicle reg No. KBE 221H	Mary Gutuba on her own behalf and in trust for Judy and Peter.
5	Thika Municipality Block 1/1775	Susan Wanjiru Kinyanjui on her own behalf and Esther Lynda Wangari Mwaura
6.	<p>Cash In:</p> <p>i) Equity Bank Account No. 034xxxxxxxxx.</p> <p>ii) Equity Bank Account No. 034xxxxxxxxx and,</p> <p>iii) KCB Account No. 111xxxxxxxx</p>	Funds to be utilized in offsetting the outstanding loan with KCB Account No. 111xxxxxxx and balance shared equally between Susan Wanjiru Kinyanjui and Esther Wangari Karaba.

The 4th Summons is dated 7th July 2017. It is filed by Caroline Wangari Mwaura. She has listed the following as the children of the deceased:

1. Caroline Wangari Mwaura.
2. Esther Angela Wangari Mwaura.
3. Esther Lynda Wangari Mwaura.
4. JWM.
5. PKM.

She listed the following as other dependants of the deceased:

1. Esther Wangari Karaba.
2. Anne Mugure Muchai.
3. Susan Wanjiru Kinyanjui.
4. Mary Wakari Gutuba.

She has listed the following as the assets forming the estate of the deceased:

1. Thika Municipality Block 1/1774.
2. Thika Municipality Block 1/1775.
3. Thika Municipality Block 1/919.
4. Kamenu Estate House No. 811.
5. Motor Vehicle Registration No. KBE 224H.
6. Equity Bank Account No. 034xxxxxxxxx.
7. Equity Bank Account No. 034xxxxxxxxx.
8. KCB Account No. 111xxxxxxx.

Her proposed mode of distribution is as follows:

	Particulars	Shareholder remains
1.	Thika Municipality Block 1/1774	Caroline Wangari Esther Angela Susan Kinyanjui in trust of Esther Lynda
2.	Thika Municipality Block 1/1775	Ann Mugure Susan Kinyanjui Mary Gutuba
	Thika Municipality Block 1/919	Esther Wangari Karaba
3.	Kamenu Estate Hse. No 811 and	Mary W. Gutuba in trust for J and P
4.	Cash In: i) Equity Bank Account No. 034xxxxxxxxx. ii) Equity Bank Account No. 034xxxxxxxxx and, iii) KCB Account No. 111xxxxxx	Funds available to pay KCB Bank Loan account No. 111xxxxxx and balance to be apportioned equally to Caroline Wangari Mwaura, Esther Wangari Karaba, Susan Wanjiru Kinyanjui and Mary Wakari Gutuba on behalf of deceased's children.
5.	Motor Vehicle Registration No. KBE 224H	To be sold and proceeds distributed between Esther Angela Mwaura and Caroline Wangari Mwaura

Pursuant to the directions of this court given on 20th January 2021, the four applications are being determined together by way of written submissions. Parties have filed their respective submissions and witness statements.

The 1st Respondents submissions

Wingrace Wambugu's submissions are dated 8th April 2021. She has submitted that the issue regarding beneficiaries has been partially resolved through consent orders dated 1st March 2016 and 3rd October 2016 and that she was recognized as a widow and beneficiary of the estate. It is also her contention that said consents have not been set aside as no party objected to them until much later when one party challenged the validity of the others. She also submitted that Mary Gutuba was seeking to disown the two other widows when she initially agreed through the consents that they were in fact true beneficiaries. It was also her submission that the mediation settlement agreement cannot overturn the consents as it was not obtained through proper procedure. She has relied on the case of *Flora Wasike Vs. Deslino Wasike (1958) KLR* and also *Kericho Guest House Enterprice ltd Vs Kenya Breweries ltd (2018) eKLR*, where it was stated that;

“It is now settled that a consent judgement or order has contractual effect and can only be set aside on grounds which would justify setting aside a contract.”

She further submitted that the deceased had five (5) children, namely Caroline Mwaura, Esther Lynda, Angela Esther, Peter Karaba and Judy Wanjiru, the same of which had been acknowledged severally by the other parties in their pleadings and evidence.

On the issue of the assets available of the estate, she has listed them as follows:

- i. Thika Municipality Block 1/1774
- ii. Thika Municipality Block 1/1775
- iii. Thika Municipality Block 1/919
- iv. Kamenu Estate House No. 811

v. Motor Vehicle Registration No. KBE 224H

vi. Bank Account No. 034xxxxxxxxx at Equity Bank Thika Branch.

vii. Bank Account No. 034xxxxxxxxx at Equity Bank, Thika Branch.

viii. Bank Account No. 111xxxxxxxx at KCB Thika Branch.

ix. Bank Account No. 117xxxxxxxx at KCB Thika Branch.

She proposed that the properties and specifically the residential units or flats with rental income be distributed on a house-to-house basis to avoid complications or be sold off at market value then the proceeds be distributed equally among the beneficiaries as per Section 40 of the Law of Succession Act. She also submitted that the funds in the accounts be distributed equally amongst all beneficiaries.

Lastly, on the issue of liabilities in the estate, she submitted that the deceased took a loan from KCB and the same should be settled before distribution of the estate. She also submitted that the motor vehicle Registration No KBE 221H was registered in the deceased's name at the time of his death and Mary Wakari Gutuba has fraudulently transferred the same to herself and thus the value of the motor vehicle should be taken into account upon distribution. Further, she submitted that Tom Marao should account for all the rental income received.

The 2nd Respondent's submissions

Submissions by Susan Wanjiru Kinyanjui are dated 19th February 2021. She relies on her pleadings filed in court, court orders dated 1st March 2016, consent order dated 3rd October 2016, mediation settlement agreement dated 21st March 2018, witness statements of Esther Wangari Karaba, Mary Waihera Kinyanjui dated 3rd April, 2019 and Susan Kinyanjui dated 3rd April, 2019. She submitted that vide consent dated 1st March 2016, she was appointed an administratrix in the estate and by another consent order dated 3rd October 2016 she was identified as a widow and beneficiary in the deceased's estate. It is also her submission that the mediation settlement agreement dated 21st March 2018 only recognized Mary Wakari as the widow of the deceased and required the other parties to prove their claim.

Susan has identified two issues for determination:

- (i) Whether a mediation settlement agreement can override and set aside a valid court order.
- (ii) If so, whether she was married to the deceased under Kikuyu Customary law.

On the first issue, she submitted that where parties have entered into consent the same should be accepted by court. She cited the case of **Geoffrey M. Asanyo and 3 others –vs- AG [2018] eKLR**, where the court stated that a court must record a consent order voluntarily entered into between parties. It was also her submission that a consent once recorded becomes a valid court order as was affirmed by the Court of Appeal in **East African Portland Cement Co. Ltd –vs- Superior Homes Ltd [2017] eKLR**.

Regarding setting aside or reviewing a consent order she submitted that the court can only do so upon proof of fraud, collusion, initial lack or ignorance of material facts. She cited the case **Brooke Bond Liebig Ltd –vs- Mallya [1975] EA 266** where it was stated that:

“a consent order cannot be varied or discharged unless obtained by fraud or collusion, or by an agreement contrary to the policy of the court, or if consent was given without sufficient material facts or in misapprehension or in ignorance of material facts, or in general for a reason which would enable the court to set aside an agreement.”

She further submitted that the consents dated 1st March and 3rd October 2016 were recorded in the presence of all necessary parties and no one has ever raised any objections on the consents and that the mediation settlement agreement entered into later on cannot override the said consents as there was no fraud, misrepresentation or mistake.

On the second issue, she submitted that she met the deceased in 1997 and his family went to her home for introduction in 1998 and thereafter started living together as husband and wife in Makongeni, Thika and that in 2002 they performed the official Kikuyu ceremony of engagement and dowry was paid in part. She further submitted that the deceased introduced her to his mother Esther Wangari Karaba as the woman he intended to marry; that they performed the ‘*kuhanda Ithigi*’ ceremony in February of 1998 and that an amount of Kshs. 10,000/- was given as part of ‘*Njohi ya njurio*’ and dowry. She submitted that the deceased and his parents returned to her home in 2002 for purposes ‘*mwati wa harika*’ and the same was accepted, at this time they were already blessed with a daughter, Esther Lynda Wangari. She submitted that where there is no evidence of customary marriage (which is not the case here) courts are not precluded from finding that the parties cohabited for a period of time and conducted themselves in manner that a marriage could be presumed. In support of her submissions she relied on the case of **Hortensiah Wanjiku Yawe –v- Public Trustee Civil Appeal No. 13 of 1976(UR)** where the court held that a long period of cohabitation as man and wife may give rise to a presumption of marriage in favour of the party asserting it.

The 3rd Respondent's Submissions

In her submissions dated 12th April, 2021, Esther Wangari Karaba submitted that even though Wingrace Wambugu had been listed as an administratrix in the estate of the deceased she was not a beneficiary in the estate. It was also her submission that Wingrace had listed Angela Esther and Mark Kelvin as the deceased's dependents even though Mark Kelvin was not the deceased's child a fact which Wingrace had admitted. It is also her submission that Wingrace had not shown proof of any form of marriage to the deceased and that she was never aware

of any customary marriage between the deceased and Wingrace.

Analysis and Determination.

Before I make my determination on this matter, I wish to revisit the history of this matter. It is clear to me from the court records that there are two consents entered into by the parties. The first consent is dated 1st March 2016. On that date all the three widows and mother of the deceased were represented in court. Parties present on that date told the court (M.W. Muigai, J) that they had a consent to record and the same was recorded to the effect, *inter alia*, that:

- (i) Susan Wanjiru Kinyanjui, Mary Wakari Gutuba, Wangeci Wanjikuu Wambugu and Esther Wangari Karaba were named as administratrixes of the estate of the deceased.
- (ii) The four were directed to open a joint account at KCB Thika Branch where rent in respect of Thika Municipality Blocks 1/1774, 1/1775 and 1/919 was to be deposited.
- (iii) The three widows were to receive a monthly payment of Kshs 100,000 for school fees and subsistence while the mother was to receive Kshs 50,000 per month for medication and upkeep.

Following this consent order, the Grant of Letters of Administration Intestate dated 3rd October 2016 was issued in the names of the three widows named in the consent order and the mother of the deceased.

The second consent by the parties is dated 3rd October 2016. On that date, this court (Ougo, J) was asked to adopt the consent of the parties dated 7th October 2016 as a court order. The consent was recorded and adopted as a court order in the following terms:

The following persons be and are hereby appointed as administratrixes of the estate of the deceased:

- (i) Wingrace Wanjiku Wambugu – 1st Widow/Beneficiary
- (ii) Susan Wanjiru Kinyanjui – 2nd Widow/Beneficiary
- (iii) Mary Wakari Gutuba – 3rd Widow/Beneficiary
- (iv) Esther Wangari Karaba – Mother of deceased/dependant

It seems that when the matter came up on 10th October 2017, it was referred to mediation with a result that on 22nd March 2018, a Mediation Settlement Agreement was filed in court. The mediation settlement agreement seems to overturn the consent orders recognizing Wingrace Wanjiku and Susan Wanjiru as widows of the deceased and beneficiaries of his estate. The agreement also did not recognize the two children of Wingrace Wanjiku, being JW and MK as children of the deceased and beneficiaries. Wingrace and Susan were told to prove their case that they are widows of the deceased in court.

When I took over this matter on 23rd November 2020, I was informed that the only issue pending determination was mode of distribution of the assets of the estate. This view was not held by everyone though given the mediation settlement agreement. Without having to repeat what each party is stating in their submissions, I have read and understood the positions taken by each of the four applicants. Each has identified the beneficiaries, assets and proposed mode of distribution of the estate. It is clear to me that the issues pending determination revolve around

- (i) Who the dependants/beneficiaries of the estate are.
- (ii) What are the assets of the estate, and
- (iii) How is the estate to be distributed.

The deceased died on 11th September 2015. He died intestate. His estate is therefore to be governed under the Law of Succession Act, Cap. 160 Laws of Kenya (the Act). Section 2 (1) of the Act states that:

2. Application of Act

(1) Except as otherwise expressly provided in this Act or any other written law, the provisions of this Act shall constitute the law of Kenya in respect of, and shall have universal application to, all cases of intestate or testamentary succession to the estates of deceased persons dying after, the commencement of this Act and to the administration of estates of those persons.

On the issue of the dependants/beneficiaries of the estate of the deceased, I am guided by Section 29 of the Act on who a dependant is under the Act:

29. Meaning of dependant

For the purposes of this Part, "dependant" means—

(a) the wife or wives, or former wife or wives, and the children of the deceased whether or not maintained by the deceased immediately prior to his death;

(b) such of the deceased's parents, step-parents, grand-parents, grandchildren, step-children, children whom the deceased had taken into his family as his own, brothers and sisters, and half-brothers and half-sisters, as were being maintained by the deceased immediately prior to his death; and

(c) where the deceased was a woman, her husband if he was being maintained by her immediately prior to the date of her death.

Although the mediation settlement agreement fails to recognize JW and MK as children of the deceased, it is clear to me that all the applicants have recognized JW as a child of the deceased and Wingrace Wanjiku. In respect to MK, his mother, Wingrace has abandoned the claim that he be recognized as a child of the deceased. Without belabouring the point therefore, all the applicants have recognized the following five children as dependants of the estate:

- (i) Caroline Wangari Mwaura – daughter
- (ii) Angela Esther Wangari Mwaura – daughter
- (iii) Esther Lynda Wangari – daughter
- (iv) PKM – son
- (v) JWM – daughter

This matter is therefore settled that the deceased is survived by five children as shown above. It is also not disputed that the deceased is survived by his mother Esther Wangari Karaba. The only dispute being the widows of the deceased.

I have stated in this judgement that there is in existence two consent orders both signed by the three widows or their advocates and both recognizing all the three widows as dependants and beneficiaries. The first order (dated 1st March 2016) directed payment of Kshs 100,000 to each of the 3 widows to cater for school fees and for subsistence. The second consent order (dated 3rd October 2016) recognizing the three widows as beneficiaries. These consent orders have not been overturned on appeal nor have they been reviewed or set aside. It is trite that a consent judgement or order has contractual effect and can only be set aside on grounds which would justify setting a contract aside. In **Kenya Commercial Bank Ltd v. Specialized Engineering Co. Ltd [1982] KLR485, Harris J**, held, *inter alia*, that:

“A consent order entered into by counsel is binding on all parties to the proceedings and cannot be set aside or varies unless it is proved that it was obtained by fraud or collusion or by an agreement contrary to the policy of the court or where the consent was given without sufficient material facts or in misapprehension or ignorance of such facts in general for a reason which would enable the court to set aside an agreement.”

None of the parties has provided evidence that there is any reason to interfere with the two consent orders recognizing the three widows of the deceased. Specifically, Mary Wakari claims she is the only widow of the deceased but recognizes Wingrace and Susan in her proposed mode of distribution of the estate. She has said nothing about the consent orders where all the three of them were recognized as beneficiaries and given allowances from the proceeds of the estate.

Both Wingrace and Susan have filed witness statements. This was meant to prove that they were married to the deceased. I find it unnecessary to consider the statements of witnesses. Of course these statements would not hold much weight given that they were not subjected to cross examination. Suffice it to state that there are on record consent orders that have not been reviewed or set aside or even appealed against. These were adopted by this court as court orders and in my considered view could not have been overturned by a mediation settlement agreement. Neither of the parties has sought setting aside or reviewing those orders and there is no evidence of an appeal. Perhaps the parties challenging those orders should have considered bringing an application for review of their earlier orders. With the above reasoning, I am persuaded to find and hold that the consent orders recorded before this court and adopted as orders of this court resolved the issues of the three (3) widows of the deceased and therefore this issue cannot be revisited at this stage.

Lastly, from the documents of all the parties, I am able to confirm that the following are the assets of the estate of the deceased:

- i. Thika Municipality Block 1/1774
- ii. Thika Municipality Block 1/1775
- iii. Thika Municipality Block 1/919
- iv. Kamenu Estate House No. 811.
- v. Account No. 034xxxxxxxxx Equity Bank Thika.

vi. Equity Bank account no. 034xxxxxxxxx.

vii. Account No. 111xxxxxxx KCB Bank Thika.

viii. Account No. 117xxxxxxx KCB Bank Thika (joint account operated by administratrixes).

ix. Motor vehicle registration no. KBE 224H

The mode of distribution of the estate of the deceased in intestate succession where the deceased was polygamous is provided for under Section 40 of the Act. It provides that:

(1) Where an intestate has married more than once under any system of law permitting polygamy, his personal and household effects and the residue of the net intestate estate shall, in the first instance, be divided among the houses according to the number of children in each house, but also adding any wife surviving him as an additional unit to the number of children.

(2) The distribution of the personal and household effects and the residue of the net intestate estate within each house shall then be in accordance with the rules set out in sections 35 to 38.”

Going by the provisions of Section 40 above there are three houses in respect of this estate. The first house comprises Wingrace Wanjirku and her daughter Angela Esther Wangari Mwaura (2 units); the second house comprises Susan Wanjiru Kinyanjui and her daughter Esther Lynda Wangari (2 units) and the third house comprises Mary Wakari Mwaura and her two children PKM and JWM (3 units). There is also Caroline Wangari Mwaura, daughter and Esther Wangari Karaba, mother of the deceased, being the other dependants whose interest must be taken into account and catered for. I will consider Caroline Wangari Mwaura as one unit (1 unit) and Esther Wangari Karaba as a dependant whose share I will consider separately as a dependant of the estate. This gives a total of 8 units and the share of the mother of the deceased which does not form a unit but a comfortable share for her subsistence and upkeep. The net intestate estate of the deceased shall be distributed in the ratio of 3:2:2:1.

The challenge posed in the mode of distribution in terms of the above ratio is that the value of the entire estate is not known. Some properties are rentals with income. One property is under occupation by the one of the widows. She is also said to be using the motor vehicle belonging to the deceased's estate. There is also evidence of a liability, being a pending loan, as well as a joint account run by all the administratrixes. For clear distribution of the estate as indicated in this judgment, it is proper to have the entire estate valued to ascertain the value of the assets and liabilities. It is only after the valuation that this court will be in a position to determine the share that goes to the mother of the deceased and finalise the distribution of the estate to the beneficiaries in the ratio shown above. Upon distribution of the estate in the ratio indicated above, then, the property that has devolved to each house should then be dealt with in accordance with section 35 to 38 of the Act.

Given the fact that this court is not able to finalise distribution of the estate, I hereby invoke the provisions of Section 71 (2) (d) which allows this court to postpone confirmation of the grant for such period or periods, pending issue of further citations or otherwise, as may seem necessary in all the circumstances of the case. I am inclined to give the following orders:

- 1. That confirmation of the grant issued on 3rd October 2016 is hereby postponed for a further 60 days.***
- 2. That the administratrixes shall, during the intervening period, cause a valuation of the entire estate and file the report in court before the expiry of 60 days.***
- 3. That the administratrixes are granted leave to file further affidavit attaching documents of ownership of all the assets of the estate of the deceased and bank documents to show the amount of money in the joint bank account.***
- 4. That the final orders on the four applications (summons) for confirmation shall be made upon compliance with the above orders.***
- 5. That this matter shall be mentioned after 60 days before the Presiding Judge of the Division or any other Judge.***

Orders shall issue accordingly.

DATED, SIGNED AND DELIVERED THIS 27TH DAY OF SEPTEMBER 2021.

S. N. MUTUKU

JUDGE