

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

SUCCESSION CAUSE NO. 50 OF 2014

IN THE MATTER OF THE ESTATE OF THE LATE ALICE ELIZABETH WAMBUI (DECEASED)

STEPHEN GUANDARU MUNYI.....APPLICANT

RULING

The applicant has filed an application dated 26th November 2021 seeking for an order:

That the honourable court be pleased to give its consent to the sale of property Title No. Konyu/Baricho/3093 which the applicant holds as a life tenant and as trustee for his children with the deceased herein.

The application is made under Section 37 of the Law of Succession Act, Cap 160 Laws of Kenya and Rules 49 and 73 of the Probate and Administration Rules, 1980. Section 37 of the Act provides as follows:

A surviving spouse entitled to a life interest under the provisions Section 35 or 36 with the consent of all co-trustees and all children of full age or with consent of the court, may, during the period of the life interest sell any property subject to that interest if it is necessary for his own maintenance.

Provided that, in the case of immovable property, the exercise of that power shall always be subject to the consent of the court.

I have considered the application. Faith Wanjiru Guandaru are now of age and they have given their consent to the sale of the property. In the premises I do allow the application as prayed.

Orders accordingly.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT NYERI THIS 10TH DAY OF DECEMBER 2021.

JESSE N. NJAGI

JUDGE