

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 207 OF 2009

IN THE MATTER OF THE ESTATE OF HARRY LOUIS NANGURAI (DECEASED)

JOHN P. NANGURAI.....ADMINISTRATOR/APPLICANT

VERSUS

RUTH HELLEN SEMPEYO NANGURAI...1ST RESPONDENT

ANDREW LOUE NANGURAI.....2ND RESPONDENT

GEORGE M. NANGURAI.....3RD RESPONDENT

RULING

1. The deceased Harry Louis Nangurai died intestate on 12th August 1984. His estate comprised of Land Parcels Ngong/Ngong/289 and 274. John P. Nangurai (the applicant), Andrew Loue Nangurai (the 2nd respondent) and George M. Nangurai (the 3rd respondent) being sons of the deceased petitioned and were issued with the grant of letters of administration intestate on 28th April 2009 and confirmed on 9th March 2010. The grant was revoked upon an application by a beneficiary, Ruth Hellen Sempeyo Nangurai, and a fresh grant issued in her favour. The beneficiaries entered into a deed of settlement in relation to the distribution of the estate. The court on the 14th December 2015 delivered its judgment where it adopted the distribution as per the deed of settlement of 30th July 2013 and confirmed the grant.

2. The applicant filed the present application dated 30th October 2019 seeking the rectification of the grant. What he wanted was the redistribution of the estate in a manner that he had proposed. The 2nd respondent substantially opposed the application, but also sought to be compensated for the work he had done in the administration of the estate. He did not, however, file a formal application for compensation.

3. The application came up for hearing on 12th February 2020. The 1st respondent and other beneficiaries did not oppose the application. The matter was adjourned for the preparation of a ruling.

4. However, on 28th February 2020 the applicant filed a notice to withdraw the application. That being the case, I order the application dated 30th October 2019 and filed on the same day by the applicant John P. Nangurai to be withdrawn with costs to the 2nd respondent Andrew Loue Nangurai who had opposed it.

DATED and DELIVERED electronically, following consent of the parties, at NAIROBI this 8TH day of APRIL 2020.

A.O. MUCHELULE

JUDGE