



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KITALE**

**SUCCESSION CAUSE NO. 82 OF 2011**

**IN THE MATTER OF THE ESTATE OF THE LATE WENSLAUS WATIBINI - (DECEASED)**

**PROTUS MASIBO WATIBINI.....APPLICANT/1<sup>ST</sup> ADMINISTRATOR**

**VERSES**

**CONCEPTA NANJALA WATIBINI.....1<sup>ST</sup> RESPONDENT /ADMINISTRATOR**

**VERONICA WATIBINI.....2<sup>ND</sup> RESPONDENT/ADMINISTRATOR**

**PATRICK WAFULA WATIBINI.....3<sup>RD</sup> RESPONDENT /ADMINISTRATOR**

**RULING**

1. The Applicant as well as the Respondents are joint Administrators of their deceased father's estate herein. The Applicant has filed an application dated **16<sup>th</sup> March 2020** in which he has prayed that the Deputy Registrar of this court be authorised to sign the necessary documents in respect to the estate as the rest of the Administrators/Respondents have refused to do so and they have been uncooperative.
2. The sworn affidavit dated the same date deponed that the rest of the beneficiaries as well as the Respondents have mostly disposed part of their interest in the estate and that is why they are not keen to sign the necessary documentations. Some of these documents include those from Safaricom as well as the County Surveyor. He did attach some of the communication he has had with them.
3. The 3<sup>rd</sup> Administrator has filed his replying affidavit sworn on 29<sup>th</sup> June 2020 in which he has denied being uncooperative and that in fact he has actively participated in the affairs of the estate. He said that he has securely fenced the family homestead and discussed the issue of the employees pending bills. He is surprised that the applicant has cited him to be uncooperative. In a nutshell he deponed that he was available at all times to undertake his duties as an Administrator.
4. The rest of the Respondents did not file any documents despite being served. In the opinion of this court the issues are very clear and all that the parties need to do is to ensure that the estate is managed without any let or hindrance. There could be some obvious differences between the parties but that should not lead to the estate being wasted.
5. In the premises, the parties herein are granted **30 days** to sign all the necessary paperwork whether it is from the County Surveyor or Safaricom so as to ensure smooth running of the estate. In the event that any of the Administrators is unable to sign within the above period or in any way refuse to cooperate then the Deputy Registrar of this court shall be at liberty to sign his or her part.
6. Being a family issue each party shall meet their respective costs.

**Dated, signed and delivered in open court at Kitale this 16<sup>th</sup> day of July 2020.**

---

**H. K. CHEMITEI**

**JUDGE**

**16/7/2020**