



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERUGOYA

SUCCESSION CAUSE NO. 23 OF 2019

IN THE MATTER OF THE ESTATE OF CYRUS KABIRA NJINE alias KABIRA NJINE (DECEASED)

KENNEDY NJINE SILAS.....PETITIONER

VERSUS

CAROLINE WANJIKU KABIRA.....RESPONDENT

RULING

1. By a Chamber Summons application dated 4/9/2020, the applicants who are the Administrators of the Estate of Cyrus KN (deceased) and the beneficiaries have approached the court seeking ORDERS:-

a. Spent

b. That this Honourable Court be pleased to make an Order directing Absa Bank to produce before the court bank statements showing the available balances in the deceased's Account No. XXXXXXXX.

c. That this Honourable court be pleased to order, authorizing the Applicants/Administrators to access and deal with, and withdraw funds amounting to Kshs 3,170,000/- from the deceased's Bank Account No. XXXXXXXX held at Absa Bank to protect the interests of the deceased's estate.

2. Upon grounds stated in the supporting affidavit sworn on the 4/9/2020 by the Administrators of the estate.

3. I have perused and considered the affidavit and annexures thereto, and oral submissions by Kimaita, Advocate for the family. The administrators and beneficiaries were present in court. They have further consented to have the funds released to the Administrators for purposes stated in the affidavit in the sum of Kshs 3,170,000/- by a consent filed on the 6/10/2020.

4. In the circumstances, there being no objection to the orders being granted, I allow the application in terms of prayer No. 2, in the first instance, and if the funds in the said account are sufficient to meet the demand for withdrawal of Kshs 3,170,000/- to proceed and release the said sum of the estate to the administrators in line with Prayer No. 3 thereof.

Order accordingly.

Signed, Dated and Delivered at Kerugoya this 15th day of October, 2020.

J. N. MULWA

JUDGE

Parties:-

Wambugu & Muriuki Advocates

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