



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 27 OF 2013

IN THE MATTER OF THE ESTATE OF M'ITIRI IRUARE alias PETER M'ITIRI M'RWARE (DECEASED)

MADRINA KAGWENE M'ITIRI.....1ST PETITIONER

WINFRED MAKENA ITIRI.....2ND PETITIONER

VERSUS

DAVID MUTWIRI M'ITIRI.....1ST APPLICANT

KENNETH MWENDA M'ITIRI.....2ND APPLICANT

RULING

1. This is a ruling on a Preliminary Objection raised by the Petitioner in their notice dated 4/2/2020 in respect to the application for revocation dated 27/5/2019 on the ground that the same was time barred under the express provision of section 30 of the Law of Succession Act, Cap 160 Laws of Kenya which provide that applications for provision of dependants cannot be brought after a grant of representation in respect of the estate to which the application refers has been confirmed as provided by section 71 of the law of succession act.
2. The Applicants however filed a notice to withdraw their application dated 27/5/2019 and the same stands withdrawn.
3. In light of the above, the Preliminary Objection cannot therefore stand as it has been overtaken by events.

HON ANNE ADWERA ONG'INJO

JUDGE

RULING DATED AND DELIVERED BY EMAIL THIS 1ST DAY OF OCTOBER 2020

HON ANNE ADWERA ONG'INJO

JUDGE

In the presence of:-

Mr Kanijumoo Advocate for Respondents- Present online

MS Kimathi Kiara Advocate for Applicants – No appearance – to be notified.

HON ANNE ADWERA ONG'INJO

JUDGE