



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 289 OF 2012**

**IN THE MATTER OF THE ESTATE OF JACOB GICHUNGE MUCHIRI (DECEASED)**

HELLEN KARIMI NJURE.....1<sup>ST</sup> APPLICANT

SUSAN NKIROTE.....2<sup>ND</sup> APPLICANT

ANN KARIUKI.....3<sup>RD</sup> APPLICANT

PURITY KARAMBU.....4<sup>TH</sup> APPLICANT

MARY KANANU.....5<sup>TH</sup> APPLICANT

DAMARIS NKATHA KINOTI.....6<sup>TH</sup> APPLICANT

**VERSUS**

REGINA MUKIRI GICHUNGE.....1<sup>ST</sup> PETITIONER/RESPONDENT

FRIDAH KANANI GICHUNGE.....2<sup>ND</sup> PETITIONER/RESPONDENT

SAMWEL MUTWIRI.....3<sup>RD</sup> PETITIONER/RESPONDENT

**PARTIAL RULING**

Construction of wills

[1] The will subject of these proceedings has described under bank accounts that a particular beneficiary shall be the mandatory signatory of the stated account. From the arguments presented this is a major point of contention, yet none of the parties specifically addressed the court on the meaning and purport of these words. This is a matter of construction of a will as well as interpretation of the specific words used by the testator. And, it occupies central position in the application, such that the decision thereto may substantially turn on that point. Accordingly, as this matter has not been canvassed, I should give the parties an opportunity to address this issue as part of serving the court in respect of the application for revocation of grant herein.

[2] Now therefore, I direct the parties to file and serve submission on this aspect in 7 days. I will thereafter render a final determination on revocation of grant on a date to be appointed by the court.

Dated signed and delivered in open court this 20<sup>th</sup> day of MAY 2019

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F. GIKONYO

JUDGE

IN PRESENCE OF

Mutegi for petitioner – Munyi holding brief

Kithinji for Muriuki for respondent

Mrs. Ntarangwi for Nyamu Nyaga for interested party.

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F. GIKONYO

JUDGE