



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NUMBER 259 OF 2004

IN THE MATTER OF THE ESTATE OF THE LATE JOHN MBUTHIA WARURINGI (DECEASED)

RULING

1. Before Court is the summons for confirmation of grant dated 11th March, 2019. It is sought;

1. **THAT** the grant of letters administration intestate issued to Julia Muthoni on 31st January, 2019 be confirmed.

2. **THAT** costs of this application be in the cause.

2. The summons is supported by the annexed affidavit of Julia Muthoni and on grounds;

a) That it is well over six (6) months since the grant herein was issued.

b) That it is only fair and just that the grant issued to the applicant herein be confirmed.

3. By orders of this court dated 31st January 2019, this court ordered the revocation of the grant earlier made to Jane Bosumen Chepkoech as the same had become imperative following her death.

4. A grant of letters of administration was made to Julia Muthoni and directions given that a summons for confirmation of grant be filed within ninety (90) days from 31st January, 2019.

5. The applicant has complied with these directions hence this application.

6. I have considered the summons for confirmation of grant.

7. I note that from a letter dated 17th June, 2004, Chief Stephen K. Choge informed this court that Jane Chepkoech Bosuben was the wife of the deceased and they had two (2) children.

8. Jane is now deceased. No one has come from her family to lay claim to the estate.

9. It is my view that substantive justice would demand a further inquiry through the provincial administration to find out if the two (2) children of the deceased with Jane Chepkoech Bosuben can be traced.

10. I am alive to the resultant delay that will be occasioned to this very old cause. However, I am persuaded that it is in the interests of justice that this route be taken.

11. I accordingly make the following orders;

1. **The summons for confirmation of grant is held in abeyance.**

2. **The chief Lanet Location be and is hereby summoned to appear in Court to shed light on the whereabouts of the children of the deceased and Jane Chepkoech Bosuben. The letter from the Chief's office dated 17th June, 2004 be annexed to the summons for ease of reference.**

3. **A mention date be set for further directions.**

Dated and Delivered at Nakuru this 18th day of July, 2019.

A. K. NDUNG'U

JUDGE