

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KABARNET

PROBATE AND ADMINISTRATION CAUSE NO. 11 OF 2019

IN THE MATTER OF THE ESTATE OF LATE NJK (DECEASED)

RULING

1. The estate of the deceased comprises death gratuity of Ksh. 278615/= which has been sent to the Public Trustee as Administrator by letter dated 11/9/2018 of Pension Department of the Ministry of Finance. The letter shows one JKK of P.O Box [xx] Kabarnet as the next of kin of the deceased.
2. The said JKK who is the grandfather of the deceased's children has sought a grant of representation to the Estate of the deceased to enable him to access the money from Public Trustee to pay school fees for the children of the deceased.
3. Although intitled on some affidavits in support as a Petition for Limited Grant **Ad litem**, the type of grant of representation sought here is **Ad Colligenda Bona** allowing the petitioner to collect the assets of the deceased before a full grant may be obtained so as to enable him petitioner deal with urgent issues of payment of school fees.
4. I have seen the school fees structure for the deceased's two children, respectively for Ksh. 17,500/= in respect of MJK and (Ksh.12,318 + 9000 = 21,318/-) for KJM.
5. The petitioner has informed the court that the father of the children was agreeable to joining him as a co-petitioner upon the court pointing out the requirements of section 58 of the Law of Succession Act that no grant representation shall be made to one person, except the Public Trustee, in cases of continuing trust as with minor children, here aged 14 and 16 years, respectively, according to their Birth Certificates.
6. Accordingly, I shall make an Order for the grant of a Limited Grant of Representation Ad Colligenda Bona limited to the collection of such sums of money from the Public Trustee being Ksh. 17,500/= and 21,318/= for the payment of school fees for the deceased's children as shown in the respective school fees structure for *[Particulars Withheld]* Primary School and *[Particulars Withheld]* Girls High School.
7. The Limited Grant shall be made to the Petitioner and the father of the deceased's two children shown in Birth Certificate as EK, pursuant to section 58 (2) of the Law of Succession Act.
8. The Public Trustee, in view of the small size of the Estate, or Petitioner and the said father of the deceased's children shall file a Petition for the full Grant of Representation in accordance with the Law.
9. No further monies shall be withdrawn from the Estate Account with the Public Trustee or from any other assets of the Deceased as may become known subsequently, without the authority of the court or upon the making of a full Grant of Representation.

Order accordingly

DATED AND DELIVERED THIS 11TH DAY OF OCTOBER 2019

EDWARD M. MURIITHI

JUDGE

Appearance

Applicant in person.