

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

(FAMILY DIVISION)

SUCCESSION CAUSE NO 1151 OF 2014

IN THE MATTER OF THE ESTATE OF LUCY MUTHONI RANYA (DECEASED)

SALLY WAITHERA MWENJE.....APPLICANT

VERSUS

ANTHONY NDIRANGU RANYA.....1ST RESPONDENT

NANCY WAIRIMU RANYA.....2ND RESPONDENT

R U L I N G

1. The deceased **Lucy Muthoni Ranya** died intestate on the 22nd September, 2013 at the Nairobi Women hospital. She left behind a daughter, Sally Una a.k.a Sally Waithera, who was said to have been 18 years of age at the time the court was Petitioned for grant of representation.
2. The deceased daughter has now moved the court seeking for Revocation of the Grant that was issued to the respondents, siblings of her mother, on the 24th of November 2014, on grounds that though she was of age she was never consulted by the respondent when they petitioned for grant of letter of administration. Secondly, she was never involved in the proceedings and did consent in sharing the estate of her late mother in the manner contained in the confirmed grant.
3. In her response filed on her behalf and that of her co-respondent Nancy Wairimu does not dispute that they failed to involve and or consult the applicant when they petitioned for grant of representation. She does not dispute either that they failed to obtaining her consent in running the estate and in the manner in which the estate was to be distributed.
4. Based on the above I have arrived at the conclusion that the proceedings before court were defective in substance and the only heir of the deceased not consulted nor her consent obtained at any stage. The above facts were concealed.
5. Based on the above, I am inclined to revoke and annul the grant issued on the 24th of November 2014 and confirmed on the 24th of June 2015.
6. A fresh Grant will now issue to the Applicant, Sally Waithera Mwenje.
7. All assets of the deceased will be restored back to the name of the deceased.
8. AND Anthony Ndirangu Ranya and Nancy Wairimu Ranya are hereby ordered to refund all monies obtained from Harambee Co-operative Savings and Credit Society Ltd, National Bank of Kenya and Equity Bank to the Applicant herein and administrator as appointed.
9. Matter to be mentioned to ensure compliance within 30 days

Dated and Delivered in Nairobi on this 5TH day of December, 2019

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ALI-ARONI

JUDGE