

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSES NO. 106 OF 2012

In the matter of the Estate of WARI BARANJA (Deceased)

JAMES KARIUKI NJOKONIA.....APPLICANT

V E R S U S

TITO WARI.....RESPONDENT

R U L I N G

1. The applicant's summons for confirmation of grant dated 8/09/2017 seeks for order to confirm grant issued to the 2nd administrator James Kariuki Njokonia on 18/04/2013.
2. The summons came for hearing on 21/05/2018, the counsel for the respondent Mr. Mugambi told the court that there was no grant in this case to be confirmed because the grant issued to Tito Wari was revoked by Bwonwonga, J. on 11/04/2017.
3. I have perused the record and note that the petitioner/respondent filed this case on 17/02/2012 and was issued with letters of administrate intestate on 19/04/2012 to the petitioner Tito Wari.
4. On 9/05/2013, the applicant file an undated application seeking for revocation of grant on grounds that the respondent filed this case secretly without informing the other beneficiaries. The application was allowed by Bwonwonga, J. in his ruling dated 11/04/2017. The grant was therefore revoked without any further orders.
5. It is my finding that the grant issued to the petitioner was revoked. The applicant herein seems to be under the misapprehension that upon revocation of grant, he was made a co-administrator with the respondent. This is not the position herein.
6. In the absence of grant in this case, the application for confirmation of grant cannot stand and it is hereby struck out.
7. The parties are hereby directed to move the court on appointment of administrator(s).
8. it is hereby so ordered.

DELIVERED, DATED AND SIGNED AT EMBU THIS 4TH DAY OF JUNE, 2018.

F. MUCHEMI

J U D G E

In the presence of:-

Ms. Ngige for Mugambi for respondent

Applicant in person