



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 121 OF 1993**

***IN THE MATTER OF THE ESTATE OF CRISPIN WAHOME NDEGWA (DCD)***

**FRANCIS JAMES NDEGWA.....PETITIONER/RESP.**

**VERSUS**

**1. MARY WANJIRU WAHOME**

**2. ANGELICA WANGUI WAHOME.....APPLICANTS**

**RULING**

The applicants are administratrixes of the estate of Crispin Wahome Ndegwa who was also known as Crispin Wahome s/o Ndegwa. All they seek in their summons general dated 3<sup>rd</sup> May, 2017 is to substitute the name Margaret Wambui Muturi, who is now deceased, with that of Paul Muturi Wanjau and Godfrey Wanjau Muturi. Until her demise on 3<sup>rd</sup> July, 2016, Mary Wambui Muturi was a party in this cause, named as one of the objectors to the petition.

In a ruling delivered by this court (Matheka, J.) on 21<sup>st</sup> day of April, 2017, Paul Muturi Wanjau and Godfrey wanajau Muturi who are respectively the husband and the son of the late Margaret Wambui Muturi were granted letters of administration of her estate limited to representing her in this cause. In its ruling the court was categorical that:

***Taking into consideration that the estate of Margaret Wambui Wahome requires to be represented in the matters going on in High Court Succession Cause 121/1993, and the order of preference provided in section 66 of the law of Succession Act, the respondent is hereby replaced by his father Paul Muturi Wanjau and his elder brother Godfrey Wanjau Muturi.***

The respondent that the learned judge made reference to is one of the children of the late Maragaret Wambui who had been granted letters of administration ad litem to represent her in in this cause but which the learned judge revoked because the letters were found to have been irregularly obtained. The net effect of the ruling is that Margaret Wambui Muturi is now represented in this cause by her husband and son.

In light of the order of substitution made on 21<sup>st</sup> April, 2017, I find the application for amendment of the pleadings for the sole purpose of introducing the names of these representatives into the cause unnecessary.

I note, however, that the respondent opposed the application; he claims that the letters of administration ad litem granted to Paul Muturi Wanjau and Godfrey Wanjau Muturi are 'fake'. I really cannot figure out what the respondent is up to because, assuming he has a genuine concern against the ruling out of which the limited grant was made to the two persons, there is nothing to suggest that he has escalated it to the appellate court. Suffice it to say, his opposition to the application has no merit.

For whatever it is worth, I allow the applicants' application dated 3<sup>rd</sup> May, 2017. Each party shall bear their own costs in any event. It is so ordered.

**Signed, dated and delivered this 6<sup>th</sup> July, 2018**

Ngaah Jairus

**JUDGE**