

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

SUCCESSION CAUSE NO. 21 OF 1988

IN THE MATTER OF THE ESTATE OF LIKABO INYAMA LUSALA – DECEASED

BETWEEN

MACHANJA LIGABO.....PETITIONER/ ADMINISTRATOR

AND

INYAMA LIGABO.....OBJECTOR

R U L I N G

The objector herein has sought for the administrator of the estate to give an account. After the administrator filed an affidavit of account of the estate, Mr. Khayumbi representing the objector sought to cross – examine the administrator on the contents of his affidavit. Mr. Nyikuli for the administrator sought for the main application to be heard first after which, if there was need to cross – examine the administrator, then the cross examination can be done at that stage.

It is the court's view that the administrator ought to be cross- examined on the contents of his affidavit before the main application is heard so that when the advocates will be urging the application, the arguments can encompass what was stated in cross- examination. It is thereby ordered that the administrator will be cross – examined before the main application is heard.

Delivered, dated and signed at Kakamega this 11th day of October, 2018.

J. NJAGI

JUDGE

In the presence of:

Nyikuli for petitioner/ Administrator

Khayumbi for objector – absent

Court Assistant – George/ Ruto

Parties – present