



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 2506 OF 2008**

**IN THE MATTER OF THE ESTATE OF GEORGE MUREITHI GITAHU (DECEASED)**

**RULING**

1. The cause herein relates to the estate of George Mureithi Gitahi who died on 25<sup>th</sup> August 2006. Representation was obtained herein on 24<sup>th</sup> March 2009 by Regina Wairimu Gitahi, a sister of the deceased, who listed her mother and her siblings as the survivors of the deceased.
2. Another cause was filed at Nyeri in Nyeri HCSC No. 1334 of 2011, where representation was granted to Elizabeth Wairimu Baru and Felix Gitahi Muriithi, the deceased's alleged widow and son, respectively, and where the petitioners listed themselves and four others as the survivors of the deceased.
3. An application was filed herein on 15<sup>th</sup> September 2014 by the administrator in the Nyeri cause seeking that the Nyeri cause be called for and subsequently consolidated with the instant one, that administrator in the instant cause renders accounts and that the grant in the Nyeri cause be revoked.
4. Although there are affidavits of service attesting to service of the said application on the respondent, the administrator herein is yet to respond to the said application.
5. The file in the Nyeri cause was called for and availed. I have perused it and noted that the grant therein was confirmed on 8<sup>th</sup> March 2013. The grant in the instant cause is yet to be confirmed.
6. I have noted from both files that the deceased hailed from Murundu-ini in Nyeri County, which place is where the deceased died. It was the Chief of Muhito Location, Mukurwe-ini, Nyeri who introduced the administrator to the Nyeri court by a letter dated 13<sup>th</sup> December 2011. I have also noted that the bulk of the estate is situated within Nyeri from the documents availed.
7. In view of the above I shall make orders as follows-

**(a) That the two causes herein are hereby consolidated;**

**(b) That as the Nyeri cause is way ahead of the Nairobi cause on account of it having been confirmed; the lead file shall be Nyeri HCSC NO. 1334 of 2011; and**

**(c) That the matter shall be transferred to the High Court of Kenya at Nyeri for final disposal.**

**DATED, SIGNED and DELIVERED at NAIROBI this 20<sup>TH</sup> DAY OF JANUARY, 2017.**

**W. MUSYOKA**

**JUDGE**