

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 357 OF 2011

IN THE MATTER OF THE ESTATE OF FREDRICK KAGIO KINYUA (DECEASED)

RULING

1. On 18th December 2015 I delivered a ruling where I directed an administrator to file accounts within thirty (30) days, failing which the grant of the administrator was to stand revoked.
2. In compliance with the said order, Esther Njeri Kagio, an administrator swore an affidavit on 15th January 2016, in which she attached a bulky document which she stated contained the accounts sought.
3. In response to that account, the first applicant in the application the subject of the ruling of 18th December 2015 swore an affidavit on 18th March 2016, wherein she challenges the contents of the alleged accounts.
4. The matter was mentioned on 28th November 2016, when Mr. Kimondo for the applicants asked the court to revoke the grant as the accounts rendered were inadequate.
5. The order made on 18th December 2015 was that the grant would be revoked upon failure to file accounts. The administrator did comply by filing accounts. Whether the accounts are adequate or not is not a matter for me to determine at this stage. It is the applicants who moved for the filing of the accounts. They now have the accounts. If they are not happy with them then they ought to move the court appropriately for whatever orders they may please. I cannot make any orders in the absence of a formal application.

DATED, SIGNED and DELIVERED at NAIROBI this 12TH DAY OF MAY, 2017.

W. MUSYOKA

JUDGE