

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSE NO. 492 OF 2012

IN THE MATTER OF THE ESTATE OF ABISHAG IRIMA IRERI (DECEASED)

EUNICE KANYIVA MISHECK

NANCY RAMWA NYAGA.....PROTESTORS/APPLICANTS

VERSUS

EDITH WANJOVI.....PETITIONER/RESPONDENT

RULING

1. The applicants who are the administrators of the estate of the deceased have sought an order from this court to direct the Deputy Registrar of this court to sign all transmission documents in place of Edith Wanjovi, who has refused to execute the transmission documents to enable distribution of the parcel of land No. Ngandori/Kirigi/6105 in accordance with the confirmed grant issued on 29th February 2016. They also seek an order providing for costs in this matter. It should be noted that the protestors were appointed co-administrators of the estate of the deceased along with the petitioner/respondent on 7th October 2015 by this court.

2. The application is supported by their supporting affidavit dated 10th May 2016. They have deponed in the affidavit that the respondent/co-administrator is their sister and that the grant was confirmed on 18th February 2016. This parcel of land was awarded to them jointly. They have further deponed that the respondent in her capacity as a co-administrator has refused to sign all the required documents to facilitate the transmission of the suit land. Finally, they have deponed that an order of the court is necessary to direct the Deputy Registrar to execute the necessary transmission documents to enable the distribution of land parcel No. Ngandori/Kirigi/6105 as ordered by the court and that it is only fair that the same be granted.

3. have considered the affidavit evidence and I find that it is not opposed. I find it credible. I further find that the respondent/co-administrator has refused to implement the confirmed grant.

4. In the circumstances, I grant the application in terms of prayer 1 of the summons general dated 10th May 2016 with no orders to costs as the parties are members of the same family.

RULING DATED, SIGNED and DELIVERED in open court at EMBU this 6th day of JULY 2016

In the presence of both protestors and in the absence of the petitioner/respondent

Court clerk Njue

J.M. BWONWONGA

JUDGE

06.07.16