



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 1583 OF 2010**

**IN THE MATTER OF THE ESTATE OF PETER KARIUKI KABANU (DECEASED)**

**RULING**

1. The Summons dated 9<sup>th</sup> August 2010 seeks revocation of the grant made on 29<sup>th</sup> November 2007 in Kiambu SPMCSC No. 99 of 2005, on the grounds that the proceedings to obtain the same were defective for want of pecuniary jurisdiction on the part of the granting court, for the property in question exceeded the pecuniary jurisdiction of the said court.
2. The said application is brought at the instance of one of the administrators, who states that she stumbled on the fact of lack of jurisdiction when she received counsel from the advocates on record.
3. I have combed through the file of papers filed in the cause, and I have not chanced upon any reply to the application. Consequently, I find that the application is unopposed. After I gave directions that the application be disposed of by way of written submissions, only the applicant complied.
4. As the application is not contested, and after taking note of the assets listed in the petition lodged in Kiambu SPMCSC No. 99 of 2005, I am persuaded that there is merit in the application. Consequently, I shall allow the application as prayed, and revoke the grant made in Kiambu SPMCSC No. 99 of 2005 on 29<sup>th</sup> November 2007.
5. As the bulk of the estate is situate within the Kiambu County, which is within the geographical and administrative jurisdiction of the High Court of Kenya at Kiambu, I do hereby direct that the file in this cause, and that in Kiambu SPMCSC No. 99 of 2005, shall be transferred to the High Court at Kiambu for the said court to appoint a new administrator or administrators for the estate of the deceased.
6. It is so ordered.

**DATED, SIGNED and DELIVERED at NAIROBI this 8<sup>TH</sup> DAY OF JULY, 2016.**

**W. MUSYOKA**

**JUDGE**