



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT EMBU**

**SUCCESSION CAUSE NO. 399 OF 2015**

**IN THE MATTER OF THE ESTATE OF HEZEKIEL NDWIGA (DECEASED)**

**NYAGA PAUL.....CITOR**

**VERSUS**

**PETER NAMU NDWIGA**

**JACOB KINYUA NDWIGA.....CITEES**

**RULING**

1. On 19<sup>th</sup> July 2016 I granted an order to the citor to petition for the grant of letters of administration intestate following the failure of the citees to enter appearance or to accept the citation dated 30<sup>th</sup> September 2015 issued by the Deputy Registrar. The citation was served upon the citees on 30<sup>th</sup> October 2015 by counsel for the citor.

2. This ruling is in furtherance of the foregoing order. It therefore follows that the citor (Nyaga Paul) has to comply with the requirements of the Law of Succession Act (Cap 160) Laws of Kenya in his attempt to administer the estate of the deceased.

3. The purpose of complying with the requirement of Law of succession Act is to ensure that the interest of the rightful beneficiaries and their rightful shares as well as those of the creditors are protected.

4. In the circumstances I make no order as to costs.

**RULING DELIVERED, DATED and SIGNED** in open court at **EMBU** this **14<sup>th</sup>** of **SEPTEMBER 2016**.

In the presence of Mr Kamunyori for the petitioners.

Court clerk Njue

**J.M. BWONWONGA**

**JUDGE**

**14.09.16**