



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MURANG'A**

**SUCCESSION CASE NO 288 OF 2013**

**IN THE MATTER OF THE ESTATE OF WATHERI NJUGUNA, DECEASED**

**FAITH WANJIRU.....APPLICANT**

**VERSUS**

**1 JAMES KAMAU WATHERI**

**2 PATRICK KARIUKI WATHERI.....RESPONDENTS**

**R U L I N G**

**1.** On 16/12/2013 this court (Ngaah, J) confirmed the grant of letters of administration intestate issued to **Faith Wanjiru** on 03/12/2012 and directed that the estate of the Deceased herein comprising land parcel numbers **LOC 8/GATUYA/891** and **LOC 8/GATUYA/893**, be shared equally among **FAITH WANJIRU, JAMES KAMAU WATHERI** and **PATRICK KARIUKI WATHERI**.

**2.** The Administrator Faith Wanjiru subsequently applied by summons dated 23/04/2014 seeking two main orders –

(i) That the Deputy Registrar of this court be authorized to sign all necessary documents on behalf of the Respondents **JAMES KAMAU WATHERI** and **PATRICK KARIUKI WATHERI** in order to give effect to the confirmed grant.

(ii) That the Land Registrar, Murang'a be authorised to dispense with production of passport size photographs and PIN certificates of the said Respondents during registration of the necessary instruments (RL 7 and RL 8) to give effect to the confirmed grant herein.

**3.** The Respondents were served with the application and hearing notice. They neither filed replying affidavit nor attended hearing of the application.

**4.** I have read the affidavit sworn in support of the application. I am satisfied that the Respondents have failed to sign the necessary instruments or produce the necessary documents in order to give effect to the confirmed grant herein, without offering any reason for such failure.

**5.** In the circumstances I will allow the application as prayed with no order as to costs. It is so ordered.

**DATED, SIGNED AT MURANG'A THIS 9<sup>TH</sup> DAY OF JULY 2015**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 10<sup>TH</sup> DAY OF JULY 2015**