

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 3519 OF 2004

IN THE MATTER OF THE ESTATE OF PATRICK GATHECHA KINYANJUI (DECEASED)

RULING

1. The Summons for determination is dated 27th August 2007. It seeks confirmation of the grant made on 25th May 2006.
2. The deceased, Patrick Gathecha Kinyanjui, died on 13th September 2002. He was survived by a widow and four children. He died possessed of several assets.
3. Representation to his estate was sought on 19th November 2004 by his widow, Salome Wangui Gathecha, and a grant of letters of administration intestate was made to her on 25th May 2006.
4. I have carefully scrutinized the documents filed with the application dated 27th August 2007, and equally the affidavit sworn on an unknown date but filed in court on 29th August 2007, and noted that the applicant has not made any proposals on the distribution of the estate, or at any rate the affidavit in support of the application is vague in that respect.
5. I have too noted from the affidavits sworn on 10th April 2008, 31st August 2008 and 10th November 2009 that Kiamwangi/Kiganjo/365 is not registered in the name of the deceased but that of his deceased father. The estate of his deceased father is yet to be distributed.
6. The applicant appears to have left the matter of distribution to my discretion. Consequently, I will dispose of the application in the following terms:-
 - a. **The terminal dues from Cosmos Ltd, the dividends valued at Kshs. 416,400.00 from the Gathecha shares, the moneys in A/c No. [particulars withheld] Barclays Bank of Kenya Ltd, Thika Branch and motor vehicle registration mark and number KAJ 396P shall devolve wholly upon the widow, Salome Wanjiru Gathecha;**
 - b. **Kiamwangi/Kiganjo/365 does not belong to the estate of the deceased and it is therefore not available for distribution in this cause at this stage;**
 - c. **The administrators to pursue devolution of the deceased's interest in Kiamwangi/Kiganjo/365 to his estate from the estate of his deceased father, Hiahia Gathecha;**
 - d. **Certificate of confirmation of grant to issue in terms of (a) above; and**
 - e. **Costs to be in the cause.**

DATED, SIGNED and DELIVERED at NAIROBI this 10TH DAY OF JULY, 2015.

W. MUSYOKA

JUDGE

No appearance for the applicant.

In the presence of Mr. Kamata for Mr. Kinuthia advocate for the Respondent.