

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 3115 OF 2004

IN THE MATTER OF THE ESTATE OF DAVID NG'ANG'A MUIRU (DECEASED)

JOHN THUMBI MUIRU APPLICANT

V E R S U S

WAMBARI MUIRU RESPONDENT

RULING

1. The application dated 21st October 2004 is for revocation of a grant of representation made in Kiambu CM CSC No. 24 of 2003.
2. I have gone through the record and noted that the lower court file has not been availed, despite a letter thereon being written to the Kiambu court on 15th December 2014 calling for the file.
3. The grant is being faulted on the grounds that the proceedings to obtain it were defective, fraudulent and founded on untrue allegations.
4. For me to determine whether the proceedings were defective or fraudulent I will need to have sight of the lower court record.
5. My hands are tied. I cannot prepare a ruling that will do justice to the parties without the lower court file as my reference point.
6. The matter shall be mentioned on a date to be given at the delivery of this ruling for further directions.
7. A copy of this ruling shall be availed to the Chief Magistrate in charge of the Kiambu Law Courts.

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.