

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSE NO. 492 OF 2012

IN THE MATTER OF THE ESTATE OF ABISHAG IRIMA IRERI (DECEASED)

EDITH WANJOVI.....PETITIONER/RESPONDENT

VERSUS

EUNICE KANYIVA MISHECK

NANCY RWAMBA NYAGAPROTESTORS/APPLICANTS

RULING

By their summons the two applicants/protestors have applied to this court for the revocation of the grant of letters of administration made to their sister Edith Wanjovi, which were granted to her on 26th April, 2013. The application of the protestors is supported by their affidavit. In their joint affidavit the protestors have stated that the administrator has not taken any action for over two years to apply for a confirmation of the grant. They also state that they have on several occasions pleaded with the administrator to file the necessary application in court without success.

It is due to the failure by the administrator to take reasonable steps to apply for confirmation of the grant that has necessitated this application.

The administrator did not file any replying affidavit. According to the affidavit of service, the administrator was served on 3rd September, 2015, but refused to sign that she had been served. This application came for hearing on 17th September, 2015, which is two weeks after being served with notice of hearing. In the circumstances, the administrator had sufficient notice to respond if she desired to do so.

It is common cause that the administrator is the sister of the protestors. The applicants need the continued co-operation of their sister in administering the estate. She should not be left out as an administrator. In the peculiar circumstances of this case, the grant of letters of administration intestate are hereby amended to include the two protestors as co-administrators of the estate of their deceased father. It therefore follows that the three sisters will all be co-administrators.

This number of administrators does not exceed the permitted maximum number of four administrators.

RULING DATED, SIGNED and DELIVERED in open court at **EMBU** this.. 7th .. day of **OCTOBER .2015**

In the presence of Ms Rose Njeru for protestors and in the absence of the Petition.

Court clerk R. Njue.

J.M. BWONWONGA

JUDGE

07.10.15