

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 606 OF 1985

IN THE MATTER OF THE ESTATE OF JOHN MBIU NJONJO (DECEASED)

RULING

1. The matter for determination is the application for confirmation of grant. The application is dated 14th March 2014.
2. The application is at the instance of the administrators appointed on 15th April 2013 by Kimaru J. The proposed mode of distribution is set out in the affidavit in support of the application. There is a consent to the proposed distribution dated 14th March 2014. It is signed by all the beneficiaries save for Njonjo Mbiu Itotia.
3. The said Njonjo Mbiu Itotia swore an affidavit on 19th November 2014, filed herein on 20th November 2014. It is headed affidavit of protest against confirmation of grant. In it he complains that the grant sought to be confirmed had been obtained fraudulently. He does not indicate any objection to the distribution proposed in the application dated 14th March 2014.
4. It is my view that the distribution proposed by the administrators in the said application is not opposed. The protest on record does not make any counter proposals on distribution.
5. Consequently, I do hereby allow the application dated 14th March 2014. The estate of the deceased shall be disposed of as per paragraph 7 of the affidavit in support of the application sworn on 17th March 2014. Costs to be in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 9TH DAY OF OCTOBER, 2015.

W. MUSYOKA

JUDGE