

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

SUCCESSION CAUSE NO. 2916 OF 2003

IN THE MATTER OF THE ESTATE OF DANSON MIRURU KINYANJUI (DECEASED)

RULING

1. There is on record a Summons dated 29th March 2012 by Robinson Njenga Gatherer, Caroline Wanjiru Gatherer, Livingstone Kibui Gatherer and Kimani Gatherer Mwangi seeking revocation of the grant made herein on 4th December 2003 to the Public Trustee. They claim to be grandchildren of the deceased, who the administrators have left out in the administration of the estate.

2. The Motion dated 8th April 2014 is by the same applicants against the same respondents. They seek that the respondents be stopped from dealing with Dagoretti/Waithaka/264 pending hearing and determination of the application for the revocation of the grant.

3. The Public Trustee responded to the application *vide* the affidavit sworn on 15th May 2012 by Mary Njoki Njuya, Senior Deputy Public Trustee. She states that the applicants have no locus to seek the orders sought for they do not have letters of administration intestate to the estate of their deceased mother.

4. I note that the revocation application is still pending. Whether or not there is legal standing on the part of the applicants to mount the application is a matter for determination in the said application. The applicants stake a claim to Dagoretti/Waithaka/264. If that asset ceases to exist before the application of 29th November 2012 is heard and determined, then their efforts would have been in vain.

5. Justice of the situation would require them that I order preservation of Dagoretti/Waithaka/264 pending hearing and determination of the application dated 29th November 2012.

6. Consequently, I do hereby allow the application dated 8th April 2014 in the following terms:-

- a. **That Dagoretti/Waithaka/264 shall not be sold or transferred pending the hearing and final disposal of the application dated 29th March 2012;**
- b. **That *status quo* to be maintained until final disposal of the application dated 29th March 2012; and**
- c. **That the application dated 29th March 2012 to be heard on a date to be given at the registry on priority.**

DATED, SIGNED and DELIVERED at NAIROBI this 2ND DAY OF OCTOBER, 2015.

W. MUSYOKA

JUDGE