

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 1 'B' OF 2004

IN THE MATTER OF THE ESTATE OF KITEMA MUTISO (DECEASED)

MULONDU KITEMA.....PETITIONER

VERSUS

JOSEPHINE WAVINYA KITHOME.....OBJECTOR

RULING

1. By an Application dated **19th April, 2013**, **Alice Munyiva Mutuku** seeks rectification of a Grant of Letters of Administration issued herein in order to have the name of **Mulonde Kitema** now deceased substituted.
2. The Application is based on grounds that the deceased, who was the legal administrator of the estate, has since died before administering the estate of **Kitema Mutiso**. The rectification is therefore in the best interest of the estate of the deceased.
3. Evidence of **Mulandu Kitema's** demise is proved by a Death Certificate **No. 085616**. He passed away on the **5th March** 2010. Family members who are beneficiaries in this cause have consented to his daughter **Alice Munyiva Mutuku**, the Applicant herein taking up his place as the administratrix of the estate of **Kitema Mutiso**. In the premises, I do allow the application as prayed.
4. It is so ordered.

DATED, SIGNED and DELIVERED at MACHAKOS this 13TH day of FEBRUARY 2014

L.N. MUTENDE

JUDGE