

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

MISC APPLICATION NO. 443 OF 2014

IN THE MATTER OF THE TRUST IN FAVOUR OF P(C) N.N, A MINOR

AND

IN THE MATTER OF THE TRUSTEES ACT

J.W.D.....PLAINTIFF

VERSUS

MIRIAM WANJIKU NDEGWA.....DEFENDANT

R U L I N G

1. The Plaintiff in this originating summons is the mother of the minor **P(C) N.N** on whose behalf some money was recovered in connection with his father's death, one **TN.N** (hereinafter called the **Deceased**). The said money was invested in **Trust Deposit Tausi Account No. [particulars withheld]** with **Kenya Women Finance Trust Deposit Taking Microfinance Ltd.** The Plaintiff has sought in the originating summons certain reliefs in connection with that account.

2. Together with the originating summons the Plaintiff filed **notice of motion dated 12th May 2014** seeking the following main order –

That the...court be pleased to order Kenya Women Finance Trust Deposit Taking Microfinance Ltd to release a sum of KShs 75,600/00 to the Plaintiff herein without the signature and/or authorization of the Defendant pending hearing and determination of the suit herein.

3. At the hearing of the application the figure appearing in that main prayer was amended to read KShs 24,400/00 instead of KShs 75,600/00.

4. I have read the supporting and supplementary affidavits. I have also considered the submissions of the learned counsel for the Plaintiff. The Defendant did not file any papers in response to the application despite service upon her and did not attend the hearing.

5. I am satisfied that the order sought in the application is in the best interest of the minor **P(C)N.N**. I will therefore grant prayer 5 of the notice of motion dated 12th May 2014 as prayed. Costs of the application will be in the cause. It is so ordered.

DATED AND SIGNED AT NAIROBI THIS 12TH DAY OF JUNE 2014

H.P.G. WAWERU

JUDGE

DELIVERED THIS 13TH DAY OF JUNE 2014