

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO 429 OF 2009

IN THE MATTER OF THE ESTATE OF **DANIEL MUSYOKA WAMBUA AND TERESIA KALONDU MUSYOKA (DECEASED)**

ALEX MBEVA MUSYOKA.....1ST APPLICANT

MUTUA MUSYOKA.....2ND APPLICANT

SAMUEL WAMBUA MUSYOKA.....3RD APPLICANT

RULING

1. In an application dated **7th July, 2014**, **Alex Mbeva Musyoka** seeks this courts leave to substitute **Teresia Kalondu Musyoka** (deceased) as the administrator of the estate of **Daniel Musyoka Wambua**.
2. The application is premised on the ground that the Petitioner/Administratrix of the estate, **Teresia Kalondu Musyoka** died on the **24th June, 2014**. In the supporting affidavit he avers the **Teresiah Kalondu Musyoka** their mother was the administratrix of the estate of their late father and having passed on she must be substituted.
3. Having considered the application, I find that a burial permit **No 33811** was issued in respect of **Teresiah Kalondu Musyoka** who died on the **24th June, 2014** aged **60 years**. The applicant's siblings who were present in court have identified the applicant as the person who should substitute their mother.
4. In the premises, I do allow the application as prayed.

DATED, SIGNED and DELIVERED at MACHAKOS this 11TH day of JULY 2014

L.N. MUTENDE

JUDGE