

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

PROBATE AND ADMINISTRATION DIVISION

SUCCESSION CAUSE NO. 2715 OF 2014

IN THE MATTER OF THE ESTATE OF LOISE WANJIRU NDUGIRE (DECEASED)

R U L I N G

1. John Kamau Ndugire has petitioned this court for letters of Administration Ad Colligenda Bona, to the estate of Loice Wanjiru Ndugire who died domiciled in Githunguri Township in Kiambu County in the Republic of Kenya, on 4th December 2003. The Petition is brought under Section 57 of Cap 160 laws of Kenya and is limited for the purpose only of collecting and getting in and receiving the estate and doing such acts as may be necessary for the preservation thereof until further presentation be granted.

2. The Petition is supported by an undated affidavit and thereto annexed is a letter from the Assistant Chief of Githunguri, giving a list of ten children of the deceased who include the Petitioner. Also annexed are the death certificates of Loice Wanjiru Ndugire whose estate he seeks to preserve and James Ndugire Muchina, the father of the Petitioner who passed away last year.

3. I note however that although the letter from the Assistant Chief lists nine living siblings, only one of them, James Muchina Ndugire, consented to the letters of Administration Ad Colligenda Bona issuing to the Petitioner. Two of the other siblings are said to be out of jurisdiction in the United States while four are said to be disinterested and uncooperative.

4. I note further that there is no disclosure on how the proceeds from the estate which comprises of rent, is to be collected and received and preserved until a full grant of representation is obtained. There is also no evidence that this application was brought to the attention of the other beneficiaries.

5. In the premise, I order as follows:

1. That this application be served upon all the beneficiaries;
2. That the beneficiaries be cited to present themselves in court on a date that the court shall give or file consent.

SIGNED DATED and DELIVERED in open court this **4th day** of **November 2014**.

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L. A. ACHODE

JUDGE