



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 2012 OF 2008**

**IN THE MATTER OF THE ESTATE OF JOYCE NYAMBURA MBUGUA (DECEASED)**

**SAMUEL KURIA GICHINA .....APPLICANT**

**AND**

**JIDRAPH MBUGUA NYAMBURA**

**PAUL KIGUAH WAMBUGU.....RESPONDENTS**

**RULING**

1. This matter was listed before me on 23<sup>rd</sup> September 2014. Learned counsel Mr. Kareu appearing for the Applicant told the court that the Respondents although served, had not responded nor had they appeared in court. He prayed for partial confirmation of grant concerning the plot which the Applicant herein has laid claim to as a purchaser, so that the other Administrators can deal with the rest of the estate.
2. I have perused the record and have not come upon any application to that effect. This court cannot grant orders in the air and it is quite perplexing for counsel to come before court and pray for orders of such significance when he has not based them on any application.
3. The application dated 16<sup>th</sup> May 2013 was granted on 20<sup>th</sup> May 2014 and the court did enjoin the Applicant as a co Administrator. It is therefore for him to file an application indicating what efforts he has made to have the estate of the deceased distributed and showing how those efforts have come to nought, before such orders can be granted. After all there are other Administrators and beneficiaries to the estate whose interest must be safeguarded.
4. The verbal application made by Mr. Kareu for the Applicant on 29<sup>th</sup> October 2014 is denied.

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

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**L. A. ACHODE**

**JUDGE**