

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Succession Cause 1533 of 2012

IN THE MATTER OF THE ESTATE OF JANET MANENA MWADIME (DECEASED)

RULING

The Summons for Confirmation of Grant dated 30th January 2013 is for the confirmation of the grant of letters of administration made to Rachel Nyasi Makoko Kimbio and Chari Mwadime on 23rd November 2012. The provisions upon which the application is brought are not indicated, but it is presumed that it is premised on **Section 71** of the Law of Succession Act.

The property of the deceased that is proposed is described in the application merely as shares in various companies, work benefits, MPesa, bank accounts and other benefits. This is vague to the extreme. The law treasures certainty and lack of ambiguity. In applications of this nature specificity is valued, so that reference to shares must include the number of the share certificate held by the deceased. Work benefits must have a reference to the company where the deceased worked, where possible indicating the employment or personal number. MPesa should indicate the mobile telephone line of the deceased. Bank accounts must be by reference to the number of the specific account. There should clear specifics of what are being called 'other benefits.'

A confirmation of the grant made on the basis of such information as that contained in the affidavit of Rachel Nyasi Makoko Kimbio and Chari Mwadime will be of no use to the administrators. The persons to whom the certificate of confirmation of grant will be presented will demand specifics, forcing the administrators to come back to court asking for a rectification of the certificate.

I will not confirm the grant on the basis of the information given in paragraph 5 of the affidavit in support of the application. I will postpone the confirmation, and give leave to the administrators to file a supplementary affidavit which should give the details/particulars that I have indicated above. The administrators shall thereafter obtain dates for the hearing of the application at the registry.

DATED, SIGNED and DELIVERED at NAIROBI this 2nd DAY OF May , 2013.

W. M. MUSYOKA

JUDGE