



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NYERI**  
**SUCCESSION CASE NO. 403 OF 2003**

**MWANGI KIONGO.....DECEASED**

**AND**

**PETER MAINA MWAURA**

**DAVID MAINA MWAURA .....PETITIONERS**

**RULING**

1. By a summons General dated 8th February 2011 the applicants herein moved court under the provisions of Rule 73 of the Probate & Administration rules for ORDERS

2. ***i) THAT the grant confirmed by the Honourable court on the 5th December 2005 be amended by inclusion of the following items:***

3. ***a. Shares with Barclays Bank (K) Ltd.***

4. ***b. Shares with Muhotetu Farmers Company Ltd.***

5. ***ii) THAT the shares so included be shared equally between Cecilia Wairimu Mwaura and Grace Thithu Mwaura.***

6.

7. The application is supported by the affidavit of David Maina Mwaura sworn on 11th February 2011 the content of which is self explanatory.

8. Rule 73 of the P&A provides as follows v

9. ***“Nothing in these rules shall limit or otherwise affect the inherent power of the court to make orders that may be necessary for the end of justice or to prevent abuse of the process of court”.***

10.

11. I have considered the affidavit evident herein and is of the considered opinion that the applicant has placed material before the court for the grant of orders sought.

12. I therefore allow the said application in terms of prayer No. (i) and (ii) thereof.

13. Dated at Nyeri this 4th day of July 2013.

J. WAKIAGA

JUDGE

Ruling delivered in open court on 19th July 2013 in the absence of the parties and their advocates.

J. WAKIAGA

JUDGE