

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 2807 OF 2006

IN THE MATTER OF THE ESTATE OF ELIZABETH NJOKI KARIUKI (DECEASED)

BERNARD KARIUKI MWANGI.....1ST APPLICANT

AMOS CHEGE KARIUKI.....2ND APPLICANT

VERSUS

ERUSTUS THUO KARIUKI.....RESPONDENT

RULING

The application dated 5th October 2012 seeks revocation of a grant purported to have been made on 2nd December 1998 to the respondent and the appointment of Bernard Kariuki Mwangi as administrator.

I have perused the file. I have noted that there was a previous application dated 17th November 2006 seeking revocation of the same grant. The said application was determined on 17th February 2012 when GBM Kariuki J revoked it and ordered a fresh grant to be made to Bernard Kariuki Mwangi, Amos Chege Kariuki and Erastus Thuo Kariuki. A certificate of grant of letters of administration intestate in the names of the three persons was issued and duly signed by GBM Kariuki J.

The grant dated 2nd December 1998 does not exist. It is not available for revocation. The application dated 5th October 2012 is therefore futile and an abuse of the court process. I hereby dismiss it with costs.

DATED, SIGNED and DELIVERED at NAIROBI this 10th DAY OF October, 2013.

W.M. Musyoka

Judge