



REPUBLIC OF KENYA



**Omuhindi & another v Kanyi & another; Chore & 2 others (Interested Parties)  
(Succession Cause 98 of 2014) [2026] KEHC 553 (KLR) (29 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 553 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
SUCCESSION CAUSE 98 OF 2014  
SM MOHOCHI, J  
JANUARY 29, 2026**

**IN THE MATTER OF THE ESTATE OF EVANS BARI OMUHINDI (DECEASED)**

**BETWEEN**

**DINAH SAISI OMUHINDI ..... 1<sup>ST</sup> APPLICANT**

**SOFIA NEKESA ODADI MAUNDA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**JESSICA WAKARINDI KANYI ..... 1<sup>ST</sup> RESPONDENT**

**CYRUS KANYI MUGO ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**JOHN WYNE CHORE ..... INTERESTED PARTY**

**M/S SHAB WELD ENTERPRISES LTD ..... INTERESTED PARTY**

**MUHEVA CONSTRUCTORS LTD ..... INTERESTED PARTY**

**RULING**

1. Before me is an Application filed under a Certificate of Urgency by Maloba Kayika Advocate, a Summons invoking the High Court Vacation Practice and Procedure Rules and supporting Affidavit by Maloba Kayika dated evenly dated 5<sup>th</sup> September 2025, A notice of Motion and supporting Affidavit by Rose Ayako Omwinde evenly dated 5<sup>th</sup> September 2025.
2. The Application essentially seeks the following interlocutory relief (s);
  - i. Spent
  - ii. That, this Honourable Court be pleased to authorize the Administrator/Applicant to withdraw a sum of Kenya Shillings Nine Hundred and Thirty-Seven Thousand, Three



Hundred and Forty-Nine (KSHS.937,349/-) from the Deceased's bank accounts held at National Bank of Kenya Account NO.01XXXXXXXXXXXX0 Nakuru Branch and/or Kenya Commercial Bank Account NO.0XXXXXXXXX02 Nakuru Branch in the names of the Deceased's company M/s Shab Weld Enterprises Limited And Muheva Constructors Limited and/or from any other of the Deceased's accounts that may be disclosed for purposes of paying school fees, accommodation and other related expenses.

- iii. That, this Honourable court be pleased to order Jessica Wakarindi Kanyi (wife of the Deceased) to disclose details (Account Numbers) of the Deceased's Equity Bank Account - Nakuru Branch and Eco Bank Account- Busia Branch
  - iv. That, this Honourable Court be pleased to make such other and/or further Orders as may be just and expedient in the circumstances of this case.
  - v. That, costs of this application be provided for.
3. The Application is grounded on the following grounds as well as the annexed Affidavit of Rose Ayako Omwinde as follows;
- i. That the Applicant is the duly appointed administrator of the estate of the Evans Bari Omuhindi (Deceased).
  - ii. That the deceased left behind a son, John Wayne Omuhindi a.k.a. Wayne John Chore a.k.a. John M Mbomba whose mother is Sofia Nekesa Odadi Maunda and who was declared a beneficiary by this Honourable court vide its Judgment delivered on the 1 day of February 2023 in this matter.
  - iii. That said Beneficiary has been selected for admission at the Technical University of Mombasa and therefore in urgent need of school fees, accommodation and other related needs which they are unable to meet due to lack of funds.
  - iv. That the Beneficiary has no assets, income and/or any means of earning hence he is in dire need of the orders sought in this Application to further his education.
  - v. That the deceased held funds at National Bank of Kenya Account NO.01XXXXXXXXXXXX0 Nakuru Branch, Kenya Commercial Bank Account NO.0XXXXXXXXX02 Nakuru Branch, Equity Bank Nakuru and Eco Bank Busia Branch which can be utilized for the benefit of the dependants and are part of the estate.
  - vi. That the process of confirmation of grant and full distribution of the estate may take time, yet the educational needs of the beneficiary are immediate and cannot be delayed without prejudice to their welfare and future as the beneficiary is due to report in September 2025.
  - vii. That it is in the best interests of the Deceased's son, as contemplated under *the Constitution*, that these funds be made available without delay.
  - viii. That the welfare and maintenance of the deceased's dependants is a paramount duty of the administrator. which requires the administrator to provide reasonable provision for dependants out of the estate.
  - ix. That to facilitate the prayers sought it is necessary that the Deceased's wife Jessica Wakarindi Kanyi discloses the bank details and/or account numbers for the Equity Bank Nakuru Branch and Eco Bank Busia Branch.



- x. That it is necessary in the interest of Justice that the Judgment Debtor/Applicant be allowed to pay in Instalments as prayed.
4. The court had directed on the 10<sup>th</sup> September 2025, that the Application be heard by way of filed written submissions and directed that service be effected upon the following parties duly admitted as interested parties limited to the Application;
    - i. John Wyne Chore
    - ii. M/S Shab Weld Enterprises Ltd
    - iii. Muheva Constructors Ltd

### **Respondent's Submissions**

5. The Application is opposed by the Respondents who submit that the following issues are for the court's consideration;
  - i. Whether the Applicant has demonstrated genuine urgency sufficient to justify bypassing the grant confirmation process for immediate estate disbursement?
  - ii. Whether the Applicant has provided credible, verifiable and admissible evidence to justify the specific and substantial quantum of Kshs. 937,349 being sought?
  - iii. Whether the Applicant, as an administrator, has discharged the mandatory duties under Section 83 of the Law of Succession Act to provide a lawful basis for disbursement from the specific targeted bank accounts?

### **With regards to the 1<sup>st</sup> issue as to Whether the Applicant has demonstrated genuine urgency sufficient to justify bypassing the grant confirmation process for immediate estate disbursement?**

6. The Respondents submits that the law does not permit circumvention of the grant confirmation process unless the Applicant can demonstrate genuine urgency; the kind of urgency where delay would cause irreparable harm or render the Court's eventual intervention meaningless. Mere inconvenience or poor planning does not amount to urgency in law. The threshold is high, and it exists to prevent premature or unjustified interference with estate property before proper verification and confirmation of rights.
7. The Respondents submits that the Applicant has not met this threshold. While the application is framed as an urgent educational need, the evidence tendered does not support this position. The only document produced in support of the alleged urgency is a provisional admission letter, which is plainly an offer of placement and not a confirmation of enrolment. The Petitioner/Respondent submits that this letter alone does not demonstrate that the Applicant's child has been formally accepted into programme, nor that any non-refundable or time-sensitive payment is required immediately.
8. Further, the Respondents highlights a complete lack of evidence showing that the Applicant has accepted the offer, or taken any steps toward registration. There is no payment receipt, no course registration, no email or communication confirming commitment to the institution, nothing to demonstrate that the offer has been acted upon.
9. The Respondent also draws the Court's attention to the fact that the Applicant has annexed blank, uncompleted forms, including the admission form, personal details form, medical examination form, and accommodation form. These are entirely unfilled and unsigned. In their current state, these



documents do not support the existence of an urgent academic deadline, nor do they show that the Applicant or the intended beneficiary is on the verge of losing an educational opportunity. At best, they demonstrate that forms are available. That, with respect, is not evidence of urgency; it is evidence of inaction.

10. The Respondents submits that presenting blank forms as evidence of urgency is a serious evidentiary failure. It leaves the Court without any basis to find that the alleged educational opportunity is real, time-bound, or at risk. Without filled, submitted, or acknowledged forms, the Applicant's claim remains entirely speculative.
11. The Respondents further submits that the timing of this application raises additional concerns. It was filed within the same month as the alleged intake, suggesting either a lack of diligence or a calculated attempt to place the Court under pressure. The law does not reward those who create urgency by delay. A last-minute application, supported by incomplete and unverified documentation, does not meet the standard for genuine urgency.
12. In conclusion, the Respondents respectfully submits that the Applicant has not demonstrated any urgent circumstances that would justify bypassing the grant confirmation process. The documents presented are either preliminary or blank, and no concrete steps have been shown to prove that educational placement is at risk. As such, the application is premature, unsupported, and fails both in law and in fact.

**On the 2<sup>nd</sup> issue as to Whether the Applicant has provided credible, verifiable and admissible evidence to justify the specific and substantial quantum of Kshs. 937,349 being sought?**

13. The Respondents submits that, any application seeking disbursement of estate funds must meet a clear evidentiary threshold. In the context of succession proceedings, and especially where the estate has not yet been fully administered, it is incumbent upon an applicant to demonstrate that the amount sought is accurate, necessary, and supported by verifiable documentation. This is even more critical where the sums involved are substantial, and where the applicant acts in a fiduciary capacity with a duty to safeguard the interests of all beneficiaries.
14. In the case of *In re Estate of SMM (Deceased)* [2021] eKLR, cited with approval in *Re Estate of David Kariuki Koigi (Deceased) (Succession Cause E006 of 2025)* [2025] KEHC 5380 (KLR) (30 April 2025) (Ruling) the Court emphasized its obligation to avoid unnecessary depletion of a deceased's estate when dealing with applications under special or ad colligenda bona grants. The Court made it clear that any access to the estate prior to the issuance of a full grant must be strictly limited to immediate, verified needs. In that case, the Court allowed access only to a single bank account, and even then, only to meet current school fees and maintenance expenses for minors, totalling Kshs. 52,400. The Court explicitly stated:

“In order to preserve the assets of the estate for other beneficiaries, the access granted to the applicant shall be limited to one bank account and for the amount presently required for the school fees and maintenance of the minors only.”

15. This standard, focused on present and essential needs, serves as the guiding principle in evaluating applications of this nature. It is therefore submitted that the Applicant's present claim fails to meet this threshold in both form and substance. The Applicant's Notice of Motion seeks a sum of Kshs. 937,349, yet the supporting affidavit references a markedly different amount of Kshs. 548,749. This discrepancy of Kshs. 388,600 is neither minor nor explained; it reflects a fundamental lack of clarity and coherence in the application, which undermines the credibility of the entire claim.



16. Further, even the lower figure cited in the affidavit lacks any meaningful evidentiary support. The Applicant has failed to provide receipts, quotations, or confirmations of pricing for any of the listed items. This includes high value electronics such as a laptop allegedly costing Kshs. 85,000 and a mobile phone valued at Kshs.37,949 which are presented without brand details, technical specifications, or quotations to demonstrate that the costs are reasonable or justified. No explanation has been provided as to why such items are urgently needed, nor any documentation to confirm their relevance to the Applicant's purported academic needs. More significantly, the claim includes projected costs spanning a THREE-YEAR PERIOD, such as Kshs. 120,000 for rent and Kshs. 12,000 for printing.
17. This approach seeking a lump sum now to meet future expenses is directly at odds with the judicial reasoning in *In re Estate of SMM (Deceased)*, where the Court limited access to funds to those that were presently required and supported by evidence. In contrast, the Applicant herein seeks speculative funding in advance, without any guarantee of how such funds would be applied or whether the needs will even materialize as described.
18. Moreover, the application lacks confirmation from the alleged educational institution. No fee structure, admission letter, or documentation from the Technical University of Mombasa has been availed to verify that the Applicant is duly enrolled, what course requirements exist, or whether the listed tools and materials are in fact necessary for the completion of the program. Without this foundational evidence, the Court is being asked to approve a claim based on assumptions rather than verified obligations.
19. It is submitted that an applicant seeking access to estate funds particularly at an interim stage bears the burden of presenting a well-documented, accurate, and transparent account of the need. That burden has not been discharged in this case. The inconsistencies in figures, the absence of supporting documents, and the inclusion of forward-looking expenses all point to a speculative and inflated claim that does not meet the evidentiary standard expected by this Honourable Court.
20. Accordingly, and in keeping with the principles affirmed in *Re Estate of SMM (Deceased)*, the Respondents respectfully urges the Court to dismiss the application as presently framed, and to decline to authorize any disbursement from the estate on the basis of the insufficient and unreliable material placed before it.

**On the 3<sup>rd</sup> Issue as to whether the Applicant, as an administrator, has discharged the mandatory duties under Section 83 of the Law of Succession Act to provide a lawful basis for disbursement from the specific targeted bank accounts?**

21. The Respondents submits that, the present application is fatally flawed for failure by the Applicant, in their capacity as administrator, to discharge the clear statutory duty imposed under Section 83(b) of the Law of Succession Act, namely:

“to get in all free property of the deceased, including debts owing to him and moneys payable to his personal representatives by reason of his death.”
22. This duty is not symbolic; it is foundational to the lawful administration of a deceased's estate. A personal representative is required to ascertain and bring into the estate all the assets forming part of the deceased's free property before any move can be made toward distribution or further administration.



23. In the case of *Re Estate of David Kyuli Kaindi (Deceased)* [2019] eKLR, cited with approval in *Re Estate of Sharif Gafar Ahmed Mohamed (Deceased)* [2025] KEHC 2356 (KLR), the Court observed that:

“The obligation to render accounts would require the personal representative to approach the matter with the three broad duties in mind... Where it is sought before confirmation of grant, the account should cover collection and preservation of the estate and payment of debts and settlement of liabilities of the estate. The personal representative must give an account of the assets and liabilities that he has ascertained, and the assets that he has collected, gotten in, recovered or gathered and the titles that he has perfected, and the steps taken to preserve the estate.”

24. It is therefore submitted that, prior to confirmation, an administrator is under a binding legal obligation to first identify, verify, and bring in all estate assets including funds in bank accounts before seeking orders relating to their distribution or disclosure by third parties.

25. In the present case, the Applicant seeks relief relating to specific bank accounts allegedly belonging to the deceased but has failed to place before the Court any credible or admissible material confirming the existence, ownership, or value of the said accounts. No bank statements, no letters from financial institutions, no confirmations of mandate, and no evidence verifying that such accounts form part of the deceased's estate. Instead, the Applicant improperly seeks to shift the burden to the Petitioner, a beneficiary with no administrative mandate, to investigate and disclose information the law clearly places on the administrator. This, the Petitioner submits, is a complete abdication of duty under Section 83(b), and amounts to inviting this Honourable Court to speculate over unverified, alleged assets.

26. The Court in *Sharif Gafar Ahmed Mohamed (supra)* was unequivocal that a personal representative “must give an account of the assets and liabilities that he has ascertained, and the assets that he has collected, gotten in, recovered or gathered...” a threshold the Applicant has not even remotely attempted to meet.

27. Accordingly, Respondent submits that the Applicant's motion, insofar as it relates to the purported bank accounts, is premature, legally unfounded, and unsustainable, as it is anchored on alleged assets not yet established as part of the estate.

### **Applicants Submissions**

28. The Applicants have refined the following issues in submissions;

Issues for Determination;

- i. Whether this Honourable Court has jurisdiction to authorize partial access to the deceased's estate funds before confirmation of the grant;
- ii. Whether the Applicants have demonstrated sufficient and lawful grounds for withdrawal of the said funds to cater for the education and welfare of the deceased's dependant; and
- iii. Whether the Respondent should be compelled to disclose the deceased's bank account details held at Equity Bank and Eco Bank?



**On the 1<sup>st</sup> issue as to whether this Honourable Court has jurisdiction to authorize partial access to the deceased's estate funds before confirmation of the grant?**

29. It is submitted that, Section 47 of the *Law of Succession Act* vests the High Court with wide jurisdiction to entertain any application and determine any dispute under the Act and to pronounce such decrees and make such orders as may be expedient.
30. Further, Rule 73 of the Probate and Administration Rules preserves the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.
31. That this Honourable Court has consistently exercised these powers to authorize limited access to estate funds where circumstances demand, particularly to safeguard the welfare of dependants pending confirmation of grant. In re estate of Mary Syokwia Kyalili [2015] KEHC 961 (KLR), the Court granted Letters of Administration ad colligenda bona limited to the purpose of withdrawing a specific sum from the deceased's bank account to pay school fees and related expenses. The Court further directed that any sum withdrawn be duly accounted for upon confirmation of the full grant as follows:

“The petitioners are also authorised to withdraw the sum of Ksh. 50000/- only for general upkeep of the children until a full grant is obtained. Orders Accordingly, a Grant of Letters of Administration Ad Colligenda Bona is issued to the petitioners for purposes of making withdrawal and payment of schools fees and related expenses set out in paragraphs 5 and 6 above. For avoidance of doubt, this Grant of Letter of Administration authorises the withdrawal from the deceased's accounts of a total sum of Ksh. 317,404/- (Three Hundred and Seventeen Thousand Four hundred and Four) and no further or other sums of money may be withdrawn from the deceased's accounts at Equity Bank Limited and or elsewhere without the authority of a full grant of representation or until further orders of the Court.”

32. That the same approach was adopted In re Estate of David Kariuki Koigi (Deceased) [2025] KEHC 5380 (KLR), where the Court permitted the administrators to access a defined portion of estate funds to meet urgent needs of the dependants and ordered them to open an estate account and furnish bank statements for transparency. It was stated as follows:

“Accordingly, for the reasons set out above, the Court will Grant the Petition for Letters of Administration Ad Colligenda Bona under section 67 of the Act limited as prayed for purposes only of offsetting the loan taken to clear medical expenses for the deceased and payment of school fees for the petitioner's three children until full grant of representation is made.

The special Grant shall only authorize the Petitioner to operate the two Bank Accounts named as follows:

1. Cooperative Bank of Kenya – A/C No. XXXXXXXXXXXXXXXX
2. Cooperative Bank of Kenya – A/C No. XXXXXXXXXXXXXXXX

The petitioner shall within six (6) months render and file in Court a full and accurate account of her dealings with the Estate of the deceased pursuant to the special Grant made herein.”

33. Likewise, in In re Estate of Wilfred Akhonya Mutubwa (Deceased) [2025] eKLR (Nairobi, 8 April 2025), the Court reiterated that it retains jurisdiction under Sections 26, 27, 45, 47, and 55 of the Act



to issue limited orders enabling administrators to meet immediate and reasonable needs of dependants before confirmation of grant, provided that proper accounting is ensured. The court stated as follows;

“In summary, I invoke the powers vested in this court by Rule 73 of the Probate and Administration Rules and make the following orders:-

- i. That Letters of Administration ad colligenda bona are hereby issued to the Petitioner only for purposes of accessing the funds in the following bank accounts:
  - a. Sidian Bank, Kakamega Branch, Account number 0106XXXXXXXX2438;
  - b. Equity Bank, Mayfair Supreme Centre Branch, Account number 1510XXXXXXXX1721;
  - c. ABSA Bank Ltd, Sari Branch, Account number 2048XXXXXXXX785
  - d. Access Bank, Westlands Woodvale Groove Branch, Account number 0210XXXXXXXX0061;
  - e. Stanbic Bank, Upper Hill Branch, Account number 0100XXXXXXXX8829 (client account)”

34. That it therefore follows that the Court has ample jurisdiction and discretion to authorize partial or limited access to estate funds in deserving cases, where such intervention is necessary to preserve the welfare of dependants and prevent hardship pending confirmation of grant.

**As to whether the Applicants have demonstrated sufficient and lawful grounds for withdrawal of the said funds to cater for the education and welfare of the deceased’s dependant?**

35. That, Section 83(e) of the *Law of Succession Act* obligates a personal representative to “produce to the court a full and accurate inventory of the assets and liabilities of the deceased and to render accounts showing how the estate has been applied in the maintenance of the dependants.”

36. That further, under Section 27 and Section 28 of the Act, the Court is empowered to make reasonable provision for the dependants of the deceased from the estate where necessary.

37. That, *the Constitution* of Kenya, 2010, particularly Article 53(2), provides that:

“A child’s best interests are of paramount importance in every matter concerning the child.”

38. This principle equally extends to the education and welfare of dependants of a deceased person.

39. That, the authorities in *In re Estate of Mary Syokwia Kyalili (Deceased)* [2015] eKLR, *In re Estate of David Kariuki Koigi (Deceased)* [2025] eKLR, and *In re Estate of Wilfred Akhonya Mutubwa (Deceased)* [2025] eKLR (all cited supra) affirm that the Court may, in deserving cases, authorize limited withdrawals from estate funds to meet urgent and reasonable needs of dependants, subject to proper accounting and transparency.

40. In the present case, the Applicants have demonstrated that John Wayne Omuhindi, a recognised beneficiary, has secured admission to the Technical University of Mombasa and requires KShs.



937,349/= for tuition, accommodation and upkeep. The estate holds sufficient funds in several bank accounts capable of meeting this need without prejudicing the rights of other beneficiaries.

41. That, the Applicants have acted transparently, have identified the exact needs, and seek to withdraw only a reasonable sum (K.Shs. 937,349/=) proportionate to the educational and maintenance requirements of the dependant.
42. In view of the foregoing and guided by the authorities cited supra, the Applicants have established sufficient grounds for limited withdrawal of funds from the estate, subject to proper accounting to the Court.  
  
As to whether the Respondent should be compelled to disclose the deceased's bank account details held at Equity Bank and Eco Bank?
43. That, Section 83(h) of the Law of Succession Act requires administrators to ascertain and collect all the assets of the deceased and render a full account to the Court.
44. That the duty to disclose and account is a fiduciary obligation binding upon every administrator and beneficiary who has knowledge or custody of estate property.
45. That, this Court has on numerous occasions ordered surviving administrators or respondents in succession proceedings to produce bank statements and to disclose all accounts belonging to the deceased. For example, in re Estate of Samuel Karime Kimani (Deceased) [2025] KEHC 681 (KLR) the Court ordered the respondent to produce and avail in Court bank statements for all the deceased's bank accounts from the date of appointment to date and to account for any misapplication of funds.
46. Similarly, in re Estate of Sharif Gafar Ahmed Mohamed (Deceased) [2025] KEHC 2356 (KLR) the Court considered an application seeking an order compelling the surviving respondent to produce a full and accurate inventory of the deceased's assets, including bank accounts, and to furnish bank statements from the date of appointment to date; the nature of relief sought and the Court's intervention in similar factual matrices is instructive.
47. In the present case, the widow of the deceased, Jessica Wakarindi Kanyi, has knowledge of the deceased's accounts at Equity Bank (Nakuru Branch) and Eco-Bank (Busia Branch) but has declined to disclose the same. This non-disclosure hampers proper administration of the estate and contravenes her fiduciary duties.
48. The Applicants therefore urge the Court to compel disclosure of the said accounts in the interests of justice, transparency, and equity among all beneficiaries.
49. That in light of the foregoing, the Applicant respectfully submit that they have demonstrated that:
  - a. The Court has jurisdiction and discretion under the Law of Succession Act and the Constitution to issue the orders sought;
  - b. The application is made in good faith for the benefit of a dependant whose educational welfare is at stake; and
  - c. Compelling disclosure of all estate accounts will promote transparency and equitable administration of the estate.
50. Accordingly, the Applicants humbly pray that this Court be pleased to grant the prayers sought in the Notice of Motion dated 5<sup>th</sup> September 2025, namely:



- a. Authorizing the Administrator/Applicant to withdraw Kshs. 937,349/= from the deceased's accounts for purposes of paying school fees and related expenses for the beneficiary;
- b. Compelling Jessica Wakarindi Kanyi to disclose the deceased's Equity Bank and Eco Bank account details; and
- c. Costs of this application be provided for.

### **Analysis & Determination**

51. Having considered the pleadings in support of and opposition to the only issue is whether there is any merit in making an order for maintenance?
52. This court has jurisdiction to make reasonable provision only where it is persuaded of the same.
53. The Applicants moved under urgency during the courts vacation at a time where the court had directed that the summons for confirmed grant be filed to pave way for the distribution of the entire estate.
54. The Applicants have by their own actions delayed the settlement of the probate by almost one more year.
55. The Applicants have been appointed as administrators and now seek to compel a former wife of the deceased to make disclosure of certain bank account. This court is unpersuaded to grant the orders sought for the reason that nothing has been laid to this court to persuade the court that Jessica Wakarindi Kanyi is in the possession of the information sought? The efforts made by the administrator to obtain the information sought from Jessica Wakarindi Kanyi or even from the banks themselves.
56. The Court is unpersuaded that the Applicant complied with the directions of this court by effecting service on the interested parties enjoined following the filing of this Application.
57. As held previously a Notice of Motion has no place under the Succession laws in Kenya and such a motion is candidate for dismissal.
58. Under the Law of Succession where a deceased held shares in a company or distinct corporate entity such shares are subject to the management of the estate and the court lack jurisdiction to ordering such an entity to make any payments into the estate.
59. The Court is unpersuaded as to why the 1<sup>st</sup> Applicant could not serve her own son who would have further enriched the Application. The court notes that this application was without a consent of, John Wayne Omuhindi a.k.a. Wayne John Chore a.k.a. John M Mbomba who it is exhibited is an adult and the Applicants have not showcased they had the authority to litigate on his behalf.
60. All in all, while the court concurs it has jurisdiction to make adequate provision however the Applicants in this instance have not showcased any persuading merit and as such this court is inclined to find the same to be without merit and dismiss the same.
  - i. The Application dated 5<sup>th</sup> September 2025 is dismissed.
  - ii. The Administrators shall personally pay the Respondents costs of this Application Assessed at kshs 30,000/- to be paid before the next hearing.
  - iii. The Court shall fix hearing date of the Summons for confirmation of grant as well as the protest on record.

It is So Ordered.



DATED, SIGNED AND DELIVERED AT NAKURU ON THIS DAY OF 29<sup>TH</sup> DAY OF JANUARY  
2026.

S. MOHOCHI

JUDGE

