



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 105 OF 2012**

**IN THE MATTER OF THE ESTATE OF JOHN MUTUKU KILONZO (DECEASED)**

AND

**1. JOYCE NTHENYA MUTUKU**

**2. SALOME MUENI MUSILI .....PETITIONERS**

**RULING**

1. A Petition for Letters of Administration *ad-litem* was presented by **Joyce Nthenya Mutuku** and **Salome Mueni Musili** in their capacity as widows to the deceased.
2. They seek issuance of **Letters of Administration ad litem** limited to the purposes of filing of a suit at **Chief Magistrate's Court Milimani** without powers to distribute the Estate under the Grant.
3. The application is supported by an affidavit sworn by **Joyce Nthenya** whereby she depones that the deceased was involved in a **Road Traffic Accident** which occurred on the **17<sup>th</sup> February, 2009** whereby he succumbed to injuries sustained. The suit to be instituted will assist them to recover damages arising out of the accident.
4. I have considered the application in its entirety. There is evidence of a **Death Certificate No. C 212207** which is proof of death of the deceased as a result of a **Road Traffic Accident**.  
**Annexure "JNM3"** is a letter purportedly from the office of the **Chief Miu Location** dated **27<sup>th</sup> May, 2009**. It is signed by **Pauline M. Ndeto**. However, it has no stamp impression to establish who the author is. Consequently, there is no evidence of marriage of the Applicants and the deceased.
5. In the circumstances, this being a Succession Cause the applicants are advised to avail another letter from the **Chief** to establish if indeed they are widows of the deceased prior to the order sought being granted.
6. It is so ordered.

**DATED, DELIVERED and SIGNED this 24<sup>th</sup> day of JANUARY, 2014.**

**L.N. MUTENDE**

**JUDGE**