

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 MUSILIPETITIONERS

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 **17th 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 Mui Location** dated **27th 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 24th day of JANUARY, 2014.

L.N. MUTENDE

JUDGE