



REPUBLIC OF KENYA



**In re Estate of Allan Muigai Muturi (Deceased) (Succession Cause  
709 of 1985) [2024] KEHC 11646 (KLR) (Family) (26 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 11646 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 709 OF 1985  
PM NYAUNDI, J  
JULY 26, 2024  
IN THE MATTER OF THE ESTATE ALLAN MUIGAI MUTURI (DECEASED)**

**RULING**

1. This ruling relates to Summons dated 15<sup>th</sup> September 2020 presented under Section 81 of the [Law of Succession Act](#) and Rule 49 of the Probate and Administration rules. The Applicant, as the sole surviving administrator seeks the following orders-
  - a. That the Court be pleased to review both the Grant of representation issued on 30<sup>th</sup> March 1992 herein to Abdallah Muigai, Bilha Njoki and James Kariuki Muigai and the Certificate of Confirmation of Grant issued to them on 14<sup>th</sup> November, 2001 and remove the names of Abdallah Yusuf Muigai and Bilha Njoki who have passed on, so that James Kariuki Muigai is the surviving administrator may serve as the sole administrator.
  - b. That the shares of the deceased in George Williamson Company Limited and in Kenya Breweries Limited be sold to meet the costs of administration.
  - c. That the costs of this application be paid by the Estate.
2. The applicant submits that the co administrators having died and the law allows him to proceed as the sole administrator. Apart from the Co Administrators (Abdallah Muigai, Bilha Njoki), beneficiaries to the estate (Daniel Kihara, Minnie Wanjiru and Grace Waithera) have passed on.
3. The Applicant further submits that the Estate does not have finances to meet the costs of administration and he should be allowed to sell the shares at Kenya Breweries Limited and George Williamson Company Limited.
4. The Application is opposed by one of the beneficiaries, Stanley Mwathi Muigai by affidavit sworn on 7<sup>th</sup> February 2024. He submits that the application was presented without consulting the other parties. That the shares are not available as they have been distributed to beneficiaries who have not



been consulted on whether they are agreeable to selling them and exploring other options on how they can contribute to the costs of administering the estate.

5. I have considered the Application, I will allow the first limb by revoking the Grant issued on 30<sup>th</sup> March 1992 and issuing a fresh grant to James Kariuki Muigai. The Certificate of Confirmation of Grant issued on 14<sup>th</sup> November 2001 is rectified accordingly to reflect that James Kariuki Muigai is the sole administrator.
6. The second limb is disallowed as the estate has already been distributed and what is pending is transmission. The Beneficiaries will share the costs of administering the estate equally.
7. With regards to the beneficiaries who have since died, the Certificate of Grant is amended to reflect that their respective shares will be transmitted to their Estates. This relates to Daniel Kihara, Minnie Wanjiru, Grace Njeri, Ruth Waithera, Bilha Njoki and Abdallah Yusuf.
8. The Administrator to finalise transmission of the Estate within 120 days.
9. Mention on 13<sup>th</sup> November 2024 to confirm compliance
10. Since this is a matter between family members, there shall be no order as to costs

**SIGNED, DATED AND DELIVERED VIRTUALLY IN NAIROBI ON 26<sup>th</sup> DAY OF July, 2024.**

**P M NYAUNDI**

**HIGH COURT JUDGE**

**In the presence of:**

Fardosa Court Assistant

