



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of M’rimberia Mugambi (Deceased) (Succession Cause  
188 of 1991) [2023] KEHC 22973 (KLR) (28 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22973 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 188 OF 1991**

**TW CHERERE, J**

**SEPTEMBER 28, 2023**

**IN THE MATTER OF THE ESTATE OF M’RIMBERIA MUGAMBI (DECEASED)  
IN AN APPLICATION FOR SUBSTITUTION OF THE ADMINISTRATOR**

**IN THE MATTER OF  
DAVID GITONGA M’RIMBERIA ..... APPLICANT**

**RULING**

1. M’Rimberia Mugambi (Deceased) died sometimes on December 3, 1973 and his estate comprised of LR No Kirua/Ruiri/14.
2. Deceased was survived by the following:
  1. Rebecca Kithiru Rimberia Widow
  2. Julia Ncekei Rimberia Widow
  3. Samuel Rimbere Rimberia Son
  4. Flora Magiri Daughter in law
  5. Justus Muthuri Rimberia Son
  6. David Gitonga Rimberia Son
3. Letters of Administration to Deceased’s estate were issued to Samuel Rimbere Rimberia on October 22, 1991. Subsequently, a Certificate of Confirmation of Grant was issued on March 29, 1993 distributing the estate as follows:
  1. Samuel Rimbere Rimberia 5.6 acres
  2. Flora Magiri 2.75 acres



3. Justus Muthuri Rimberia 5.6 acres
  4. David Gitonga Rimberia & Mutuma Gitonga 5.6 acres
  5. Balance jointly to Samuel Rimbere Rimberia, Flora Magiri, Justus Muthuri Rimberia, David Gitonga Rimberia & Mutuma Gitonga
4. Evidence in the form of a Green Card reveal that Samuel Rimbere Rimberia caused Deceased's estate to be partitioned in 5 portions namely LR No Kirua/Ruiri/2052 -2056.
  5. Additionally, search certificates reveal that the 5 portions were registered as follows:
    1. LR No Kirua/Ruiri/2052 to Samuel Rimbere Rimberia
    2. LR No Kirua/Ruiri/2053 to Joyce Rima M'Rimberia
    3. LR No Kirua/Ruiri/2054 to Elias Muriki Magiri
    4. LR No Kirua/Ruiri/2055 to Justus Muthuri Rimberia
    5. LR No Kirua/Ruiri/2056 to Samuel Rimbere Rimberia
  6. Subsequently, to Samuel Rimbere Rimberia died before he could complete the administration of the estate and more specifically the transfer of LR No Kirua/Ruiri/2052 to David Gitonga Rimberia & Mutuma Gitonga.
  7. By summons dated February 2, 2023, David Gitonga Rimberia seeks orders for substitution of the deceased administrator and rectification of the grant to enable him complete the administration of the estate.
  8. From the material presented before the court, I find that Applicant has made a case for substitution of the deceased administrator and rectification of the grant.
  9. It is therefore hereby ordered as follows:
    1. David Gitonga Rimberia is appointed administrator in place of Samuel Rimbere Rimberia (Deceased)
    2. Letters of administration shall issue and Certificate of Confirmation of Grant issued on March 29, 1993 rectified accordingly
    3. The Land Registrar Meru is directed to transfer LR No Kirua/Ruiri/2052 to David Gitonga Rimberia & Mutuma Gitonga who are the rightful beneficiaries
    4. This cause shall be mentioned on November 23, 2023 to confirm compliance with these orders and for further orders and/or directions

**DATED AT MERU THIS 28<sup>TH</sup> DAY OF SEPTEMBER 2023**

**WAMAE. T. W. CHERERE**

**JUDGE**

**APPEARANCES**

**COURT ASSISTANT - MORRIS KINOTI**

**APPLICANT - PRESENT IN PERSON**

