



REPUBLIC OF KENYA



In re Estate of Protasio Mugaa Ncebere (Deceased) (Succession Cause 325 of 2001) [2023] KEHC 27040 (KLR) (20 December 2023) (Ruling)

Neutral citation: [2023] KEHC 27040 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 325 OF 2001
TW CHERERE, J
DECEMBER 20, 2023**

**IN THE MATTER OF
JOANINA NJERI PROTASIO ADMINISTRATOR**

RULING

1. Deceased's estate was distributed by a certificate of confirmation of grant dated March 31, 2003 to the Applicant and Bernard Gitonga who subsequently died on January 19, 2007 as shown on the annexed certificate of death.
2. The primary duty of the Probate Court is to distribute the estate of the deceased to the rightful beneficiaries. The orders sought in summons dated 17th July, 2023 do not relate to the administration of the estate of the deceased herein but the estate of the said his son Bernard Gitonga
3. Having said that, the application to administer the estate of Bernard Gitonga in the matter of the estate of Protasio Mugaa Ncebere is untenable and it is disallowed.
4. Consequently, this court makes the following orders:
 1. The Certificate of Confirmation of Grant dated March 31, 2003 is hereby rectified to the extent that the share in favour of Bernard Gitonga shall vest in his estate.
 2. Rectified certificate of confirmation of grant to issue accordingly
 3. Applicant is directed to distribute the estate in terms of the rectified grant and is put on notice that failure to do so might result in revocation of the grant
 4. Mention on April 23, 2024 to confirm distribution

DATED AT MERU THIS 20TH DAY OF DECEMBER, 2023.

WAMAE. T. W. CHERERE

JUDGE



Appearances

Court Assistants - Kinoti/Munene

For Applicant - Mr.Kimathi for L.Kimathi Kiara & Co Advocates

