



In re Estate of Samuel Mbugua Gatheru (Deceased) (Succession Cause 3380 of 2014) [2022] KEHC 12424 (KLR) (Family) (27 July 2022) (Ruling)

Neutral citation: [2022] KEHC 12424 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

SUCCESSION CAUSE 3380 OF 2014

AO MUCHELULE, J

JULY 27, 2022

**IN THE MATTER OF THE ESTATE OF SAMUEL
MBUGUA GATHERU (DECEASED)**

BETWEEN

MARY MUKAMI GATHERU APPLICANT

AND

GEORGE GATHERU MBUGUA RESPONDENT

RULING

1. The bigger issue in this family is that the deceased Samuel Mbugua Gatheru died intestate on 20th January 2006 and his estate has been distributed to his children in this cause, but there is HC Succession Cause No. E108 of 2021 at Kiambu wherein one of the children George Gatheru Mbugua (the respondent herein) has petitioned for the grant of probate saying that their mother Margaret Njeri Mbugua (the deceased's widow) who died on 12th April 2021 had left a Will in which she had bequeathed the same property that are the subject of the certificate of confirmation herein. The applicant Mary Mukami Gatheru (sister to the respondent) and her other siblings have objected to the petition and the dispute has not been resolved.
2. In the present application dated 21st December 2021 the applicant is complaining that the respondent is intermeddling with and wasting the deceased's estate, in particular their mother's house in Githunguri.
3. It is not clear why, given that the estate was distributed and a certificate of confirmation issued, the estate has not been shared. The implementation of the certificate of confirmation is the responsibility of all the administrators, the applicant included.



4. Given that there is the Kiambu case that is dealing with the same properties, I ask the parties to move with speed and deal with the issues in that case. It is not right that over the same estate there is litigation going on in two courts of equal jurisdiction.
5. I decline to grant the orders sought and make no order as to costs.

DATED AND DELIVERED AT NAIROBI THIS 27TH DAY OF JULY 2022

A.O. MUCHELULE

JUDGE

