



**In re Estate of Iganua Nyaga (Deceased) (Succession Cause  
E012 of 2021) [2022] KEHC 12641 (KLR) (3 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 12641 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT CHUKA  
SUCCESSION CAUSE E012 OF 2021**

**LW GITARI, J**

**AUGUST 3, 2022**

**IN THE MATTER OF THE ESTATE OF IGANUA NYAGA (DECEASED)**

**AND**

**GEORGE MBAKA JULIUS.....APPLICANT**

**RULING**

1. This matter relates to the estate of Iganua Nyaga (deceased) who died intestate on 28/5/1989. As per the Chief's letter dated 18/10/2021 issued by Nicholas Rugendo Ngai Chief Muiuru Location, the deceased was survived by George Mbaka Julius and Boniface Gitari Julius. The two are the only sons of the deceased. A grant of letters of administration intestate was issued to George Mbaka Julius on 12/1/2022. What is pending before this court is a summons for confirmation of grant dated 18/7/2022. The Petitioner George Mbaka Julius swore an affidavit in support of the summons and deposes that no objection has been filed in respect of the deceased's estate. He further deposes that the only property forming the estate of the deceased is land parcel No. LR Karingani/Muiru/79. He further deposes the identification and shares of all persons entitled to the estate have been ascertained and determined as follows:-George Mbaka Julius - 1 acres Boniface Gitari Julius - 1 acre
2. The court is supposed to order confirmation of grant after the expiry of six months upon the application by the administrator – Section 71 (1) of the *Law of Succession Act* provides as follows:-

“After the expiry of a period of six months or such shorter period as the court may direct under subsection (3) from the date of any grant of representation, the holder thereof shall apply to the court for confirmation of the grant in order to empower the distribution of any capital assets. The court is empowered to confirm the grant where it is satisfied that the grant was rightly made to the applicant and that he will administer the estate according to the law. Section 71 (2) (a) of the Act provides that “subject to subsection (2A) the court to which an application is made, or to which any dispute in respect thereof is referred may-



“ If it is satisfied that the grant was rightly made to the applicant and that he is administering, and will administer, the estate according to law, confirm the grant.”

3. In this matter there are only two beneficiaries. The second beneficiary did not attend court on 2/8/2022 although he was duly served. According to his advocate he was unable to attend court though no good reason was given. I find that the administrator has identified the property which forms the estate of the deceased, the beneficiaries entitled to the estate and the distribution. The administrator has proposed equal distribution of the estate of the deceased among the two surviving sons. The proposed mode of distribution is accordance with the law as provided under Section 38 of the [Law of Succession Act](#). The Section provides that:-

“ where an intestate has left a surviving child or children but no spouse, the net intestate estate shall subject to the provisions of Section 41 and 42 devolve upon the surviving child if there be only one, or be equally divided among the surviving children.”

4. The administrator has fully complied with the law. In the circumstances I find that summons for confirmation of grant has merits. I allow the summons and order that the grant be confirmed and distribution of the estate be as per paragraph seven (7) of applicants’s affidavit, that is to say- Land Parcel No. Karingani/Muiru/79 be distributed as here under:-

1. George Mbaka Julius - 1.00 acre
2. Boniface Gitari Julius - 1.00 acre

The administrator to comply with Section 83 (g) within six months with respect to produce a full and accurate account of the completed administration.

**DATED, SIGNED AND DELIVERED AT CHUKA THIS 3RD DAY OF AUGUST, 2022.**

**L. W. GITARI**

**JUDGE**

**3/8/2022**

