



**In re Estate of Jeremiah Marete –Deceased (Succession Cause  
222 of 1993) [2022] KEHC 13211 (KLR) (29 September 2022) (Ruling)**

Neutral citation: [2022] KEHC 13211 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 222 OF 1993  
EM MURIITHI, J  
SEPTEMBER 29, 2022  
IN THE MATTER OF THE ESTATE OF JEREMIAH MARETE - DECEASED**

**BETWEEN**

**TABITHA NYGERIA ..... PETITIONER**

**AND**

**JULIA KAGURI ..... OBJECTOR**

**RULING**

1. By confirmed grant dated November 27, 2018 upon judgment dated October 11, 2018 the estate of the deceased herein was distributed between his two widows each to hold on her own behalf and on behalf of her children 5 acres each of LR Abothuguchi/Katheri/1333.
2. Upon the death of the administrator Julia Kaguri Marete, the co-administrator Tabitha Nyegera Marete has moved the court by summons dated July 12, 2022 seeking principal order:-
  - a) That the honourable court be pleased to revoke/annul the certificate of grant issued on November 27, 2018 to Tabitha Nyegera and Julia Kaguri due to the fact that Julia Kaguri is now deceased and that the grant be confirmed to the petitioner Tabitha Nyegera.
  - b) That the honourable court do issue orders to allow the petitioner to administer the estate in accordance to the judgment delivered on October 11, 2018 since she is the only surviving administrator in the estate of the late Jeremiah Marete
3. Despite adjournment on 3 occasions on May 10, 2022, June 6, 2022 and July 4, 2022, the co-administrator Julia Kaguri's son Julius Miriti who sought to respond to the application did not do so in person or by counsel.



4. Upon considering the matter, the court finds merit in the application for reissue of the grant of letter of administration and to confirmed grant in the names of the surviving administrator Tabitha Nyerere in view of the provision of section 81 of the *Law of Succession Act*.
5. Section 81 of the *Law of Succession Act* provides as follows:-
6. Being satisfied of the judgment of the court of October 11, 2018, the certificate of confirmed grant of November 27, 2018 issued to the applicant and the deceased as co-administrators and on the strength of section 81 of the *Law of Succession Act*, the court allows the application dated July 12, 2022 in terms of prayers (a) and (b) thereof so that a fresh grant of letters of administration and confirmed grant are issued to the surviving administrator who shall administer and distribute the estate in accordance with the judgment of the court of October 11, 2018 and the confirmed grant to be issued in the same terms save that the share of the deceased shall go to the estate of Julia Kaguri on behalf of herself and her children as set out in the confirmed grant of November 27, 2018.

Order accordingly.

**DATED AND DELIVERED THIS 29<sup>TH</sup> DAY OF SEPTEMBER, 2022.**

**EDWARD M. MURIITHI**

**JUDGE**

**APPEARANCES:**

Miss Gikundi Advocate for Applicant.

Mr. Julius Miriti Respondent in person.

