

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO 13 OF 2004

M'MUGUNA M'NGUTHARI.....PETITIONER

VERSUS

FREDRICK KIRIMI MURIITHI.....APPLICANT

RULING

1. By Confirmed Grant made on 5th May 2009, parcel of land Ntima/Igoki/6372 was distributed to a purchaser Harriet Kanyiri Mboroki 0.05 ha and the balance to the petitioner/administrator M'Muguna M'Nguthari to hold in trust for Kirimi Muriithi.
2. Upon subdivision, the parcel of land going to the said beneficiary Kirimi Muriithi became parcel No. Ntima/Igoki/ 7774 measuring 0.008 ha.
3. The administrator died before the completion of the transmission process to the beneficiary who is now over 18 years of age and seeks the registration of the asset in his name, which he gives in full as Fredrick Kirimi Muriithi,
4. For purpose of the registration into his name, the beneficiary now seeks the removal of the restriction entered as Entry No. 2 on the Green Card for parcel No. Ntima/Igoki/7774 which was intended to protect his interest upon the death of the administrator.

ORDER

5. Upon reading the application dated 20/1/2021 and having perused the annexures hereto and upon hearing counsel for the applicant, the court finds merit in the said application and makes the following Orders:-
 - 1) The Grant of Letters of Administration and Confirmed Grant of Letters of Administration issued on 7/6/2004 and 30/4/2009, respectively, are revoked for having become inoperative following the death of the administrator.
 - 2) The applicant Fredrick Kirimi Muriithi is appointed the administrator for the un-administered estate of the deceased, and a Confirmed Grant shall be issued in his name.
 - 3) The Confirmed Grant shall show the portion of 0.05ha of original parcel of land 6372 as distributed to Harriet Kanyiri Mboroki and the balance of the land which upon subdivision became Ntima/Igoki/7774 is distributed to the applicant **Fredrick Kirimi Muriithi** in his name.
 - 4) An order for removal of Entry No. 2, the restriction on dealings with parcel No. Ntima/Igoki/7774, shall accordingly issue.
 - 5) Costs in the cause.

Order accordingly

DATED AND DELIVERED ON THIS 22ND DAY OF APRIL, 2021.

EDWARD M. MURIITHI

JUDGE