



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KIAMBU**

**SUCCESSION CAUSE NO 28 OF 2017**

**IN THE MATTER OF THE ESTATE OF PHILIP GATHUO KARIUKI (DECEASED)**

**RULING**

1. This Ruling relates to the Amended Summons dated 9<sup>th</sup> September 2020 and filed in court on 14<sup>th</sup> September 2020. The application is filed by the administrator of the **Estate of Philip Gathuo Kariuki** deceased. The administrators seek for the confirmed grant, confirmed on 29<sup>th</sup> November 2018, to be amended to indicate that the one unit in properties KIAMBAA/KANUNGA/1012 and of L. R. No. 19874/14 (IR 23616/24) are to be held by **Ian Philip Gathuo Waweru** and **Mitchell Muuri Waweru** on their own behalf and in trust for their mother **Pauline Njeri Waweru**. They seek to amend the grant to reflect the share of Pauline Njeri Waweru is held by Ian Philip Gathuo Waweru and by Mitchell Muuri Waweru because Pauline Njeri Waweru is suffering from depression and is unable to obtain her national identity card and pin which are prerequisite for completion of sale transaction of the subject properties. The Applicants seek that orders be granted to enable the administrators to complete the sale transaction.

2. In my perusal of the proceedings in this file I note that a similar application was made dated 14<sup>th</sup> February 2020 which application was placed before Justice Meoli. This is the order the Learned Judge made:

**“What the Applicants are seeking ought to be preceded by an application to appoint guardians to Pauline Njeri Waweru”**

3. It is because of that order that the Applicants amended the summons, now before me, seeking that they be appointed legal guardians to Pauline Njeri Waweru.

4. I have considered the application. It has received the consent of all parties. There is a doctor’s report which shows PAULINE Njeri Waweru suffers from severe depression. Parties having entered into sale agreement to sell the subject property and because that sale transaction cannot be concluded without the necessary documents of Pauline Njeri Waweru and further because the said Pauline Njeri Waweru is sick and unable to obtain her identifying documents the prayers sought are merited.

5. I therefore grant the following orders:

(a) *That Ian Philip Gathuo Waweru and Mitchell Muuri Waweru be and are hereby appointed as legal guardians to Pauline Njeri Waweru.*

(b) *The confirmed grant hereby issued by this Honourable Court on 29<sup>th</sup> November 2018 be and is hereby rectified by indicating that the beneficiaries of one unit in Title Numbers Kiambaa/Kanunga/1012 and One(1) Unit LR No.10874/15(IR 23616/24 are Ian Philip Gathuo Waweru and Mitchell Muuri Waweru for themselves and as legal guardians for Pauline Njeri Waweru (in equal shares) instead of Pauline Njeri Waweru. Ian Philip Gathuo Waweru and Mitchell Muuri Waweru, and as shown in the schedule attached to the Supporting Affidavit annexed herewith with the proposed changes marked red.*

(c) *Cost of this application be in the cause.*

**SIGNED AND DELIVERED VIRTUALLY THIS 18<sup>th</sup> DAY OF NOVEMBER 2020.**

**MARY KASANGO**

**JUDGE**

18<sup>th</sup> November 2020

Before Justice Mary Kasango

C/A - Kevin

For the Applicants – Mrs Mungai

**COURT**

Ruling virtually delivered in their presence.

**MARY KASANGO**

**JUDGE**