



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 1062 OF 1994

IN THE MATTER OF THE ESTATE OF TERESIA KABURA KAMAU

ANNE MWIHAKI KAMAU.....APPLICANT

R U L I N G

1. The application before court is an amended summons dated 28th November, 2018 and seeks for 2 substantive orders as follows:

i. That this court be pleased to amend the Grant of Letters of Administration intestate dated 26th July 1994 and Certificate of Confirmation of grant dated 16th February 2015 and substitute **Simon Kamau Kiguongo** (deceased) with **Anne Mwhaki Kamau** as the legal administrator of the estate of the late **Teresia Kaburu Kamau**.

ii. That the properties devolved to the late **Simon Kamau Kiguongo** (deceased) through the Certificate of Confirmation of Grant issued to this court on 16th February, 2015 be devolved to **Anne Mwhaki** Kamau of National Identity Card No. 3082066 as hereunder:

Description of property	Beneficiary	shares
Githunguri/Kimathi/483	Anne Mwhaki Kamau	absolutely
Shares in Nyakinyua		
Investments Ltd	Anne Mwhaki Kamau	all

2. The application is premised on grounds that the Applicant is the only surviving child of the deceased herein and the deceased administrator/beneficiary.

3. In my view the application must fail for the reasons that:

i. The grant of letters of administration issued to an individual does not survive the person and therefore no substitution can be affected.

After the death of an administrator the law envisages appointment of afresh administrator.

ii. Secondly, the grant herein was confirmed on 16th of February 2015, meaning that for purposes of administration of this estate and distribution the matter was concluded.

iii. If a beneficiary died as in this case, then a fresh suit for purposes of administering the estate of the said person and distribution of his estate ought to be filed. Two estates can not be dealt with in one file.

4. For the above reasons the application is declined.

DATED, SIGNED and DELIVERED at NAIROBI this 31ST DAY OF JANUARY, 2019.

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ALI-ARONI

JUDGE