



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAKURU**

**SUCCESSION CAUSE NUMBER 121 OF 2017**

**IN THE MATTER OF THE ESTATE OF ELIZABETH GATHONI WANYOIKE (DECEASED)**

**RULING**

1. This ruling is in respect of the summons for confirmation of grant dated the 29/11/2018.
2. The prayers sought are listed as;
  - a) **The grant of letters of administration made jointly to DAVID GICHIA CHEGE and PRISCILA WANJIRU MBUGU on the 21<sup>st</sup> May, 2018 be confirmed since a period of six (6) months has lapsed since the date of issue of grant.**
  - b) **The amount of money in the deceased account number 0130100219110 at Equity Bank Gate House Branch in Nakuru be released to the petitioners for equal distribution between them and amongst the beneficiaries in equal shares since there is no dispute of whatever nature among all of them.**
  - c) **The court do order that an agreed sum of Kshs. 40,000/= for the entire representation of the beneficiaries and all the disbursement that have been paid to the firm of Lawrence Mwangi & Mwangi Advocates as a debt while the balance of the estate money is distributed equally among the beneficiaries.**
  - d) **That the court do exempt the attendance of Billy Kariuki to court on grounds that he is suffering a prolonged mental disease and does not enjoy any lucid moments and at the moment he is undergoing treatment at RECOVERY TRAILS TREATMENT CENTER at Nyahururu.**
  - e) **The court do not take into account Kshs. 173,000/= spent by the 1<sup>st</sup> petitioner towards the treatment of Billy Kariuki.**
  - f) **Any other reasonable order the court may issue to avoid the defeat of the ends of justice.**
3. In a nutshell, the administrators of the estate of Elizabeth Gathoni Wanyoike (deceased) seek the confirmation of the grant issued to them on the 21/5/2018.
4. It is averred that six (6) months have elapsed since the issuance of the grant. The estate constitutes of money held in the deceased's bank account number 0130100219110 at Equity Bank of Kenya, Gate House Branch.
5. The beneficiaries are in agreement that the money be shared out equally among themselves.
6. One of the beneficiaries, Billy Kariuki, is said to suffer a mental illness. He has been on treatment and requires continued treatment into the future.
7. Having considered the summons, the grounds in support and the affidavit evidence, it is clear that the beneficiaries being sons and daughters of the deceased ought to share out the estate equally.
8. This, they have already agreed upon, save to note that the interests of Billy Kariuki who suffers a mental illness need to be taken care of.
9. Accordingly, I proceed to allow the summons for confirmation of grant and make the following orders;
  1. **The grant of letters of administration made to David Gichia Chege and Priscila Wanjiru Mbugu on the 21/5/2018 is confirmed.**

**2. The monies held in the deceased's account number 0130100219110 at Equity Bank of Kenya, Gate House Branch shall be shared out equally among the beneficiaries.**

**3. The share of beneficiary Billy Kariuki shall be held in a joint account to be opened by the administrators in trust for Billy Kariuki.**

**4. Kshs. 40,000/= in legal fee be paid to Ms Lawrence Mwangi and Mwangi Advocates.**

**Dated and Delivered at Nakuru this 30<sup>th</sup> day of January, 2019.**

**A. K. NDUNG'U**

**JUDGE**