

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 333 OF 2011

IN THE MATTER OF THE ESTATE OF JAMUEL MUCHIRI KIRAGI alias SAMUEL MUCHIRI KIRAGU (DECEASED)

NICHOLAS JACKSON KAMAU.....APPLICANT

VERSUS

GRACE NUNGARI MUCHIRI.....RESPONDENT

RULING

1. On 5th February 2016 the court delivered its ruling in which it held that the respondent, being the widow of the deceased Jamuel Muchiri Kiragi alias Samuel Muchiri Kiragu, was the one under **section 66** of the **Law of Succession Act (Cap 160)** entitled to petition the court for the grant of letters of administration intestate. The court dismissed the application by the applicant (who is one of the children of the deceased and therefore son to the respondent) who had sought the revocation of the grant issued to the respondent.
2. However, the court indicated that there were certain properties and liabilities of the deceased that the respondent had left out of the petition. It was also noted that it was necessary to identify some of the children of the deceased to help the respondent in the administration of the estate of the deceased. The family was to meet within 40 days to agree on the two issues. It is clear the meeting did not take place, or, if it did, there was no resolution. Considering the powers of the court in regard to the appointment of an administrator, I hereby appoint the applicant, Rosemary Nyambura Kimani (daughter of the deceased) and Benson Kiragu Muchiri (son of the deceased) to join the respondent as joint administrators to the estate of the deceased. The grant issued to the respondent is recalled to allow for a fresh grant in the four names.
3. Under **section 83** of the **Act**, the joint administrators shall manage all assets and liabilities of the estate of the deceased. The applicant shall place before the joint administrators evidence regarding the assets and liabilities that the respondent may have excluded from the petition.
4. Within 60 days, the administrators or any of them, shall file and serve to all the beneficiaries summons for the confirmation of the grant of the estate of the deceased, with a supporting affidavit indicating how the estate should be shared. Upon service, the beneficiaries opposed to the proposed distribution will within 30 days make their proposal in a replying affidavit. The matter shall be mentioned on 11th February 2019.
5. To that extent, the application dated 8th May 2018 is allowed.
6. I make no order as to costs.

DATED and DELIVERED at NAIROBI this 27TH NOVEMBER 2018

A.O. MUCHELULE

JUDGE