



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 611 OF 1995**

**IN THE MATTER OF THE ESTATE OF KIBUE KANGARI (DECEASED)**

**RULING**

1. On 10<sup>th</sup> June 2016 I delivered a ruling where I revoked the grant made on 23<sup>rd</sup> May 1995 to Christopher Muringe Kibue, and directed the family to agree on the names of the persons to be appointed as administrators. The matter was then fixed for mention on 13<sup>th</sup> July 2016 to receive the names of the persons to be suggested by the family.

2. Come 13<sup>th</sup> July 2016, the parties indicated that the family had been unable to agree on the persons to be appointed as administrators, and invited the court to appoint administrators.

3. According to the affidavit sworn on 16<sup>th</sup> February 1995 in support of the petition lodged at the registry on 1<sup>st</sup> March 1995, the persons listed in the column of survivors of the deceased were Leah Wambui (wife) (deceased), Hannah Wairimu, Hannah Wairimu (wife), George Muringe (son) (deceased), Jane Njanja (daughter), Christopher Muringe (son), Alice Nyakarura (daughter), Ceronicah (Veronicah I presume) Njeri (daughter) and Paul Njung'e (son).

4. The tussles in the matter have been largely between Christopher Muringe Kibue, in his capacity as administrator, and his two sisters, Alice Nyakarura Kibue and Veronicah Njeri Kibue. Paul Njung'e has not featured in the disputes. The widows of the deceased are themselves dead. Only four of the children are alive, including the immediate administrator of the estate. I have noted that the deceased son of the deceased was survived by a widow called Alice Njeri Ruringe.

5. I am disinclined to return the previous administrator to office following his spectacular failure to complete administration of the estate and to comply with court orders. I am moved to appoint the three surviving children of the deceased to that office, that is to say Alice Nyakarura Kibue, Veronicah Njeri Kibue and Paul Njung'e Kibue shall add the surviving widow of George Muringe, that is to say Alice Njeri Ruringe, to the number.

6. Consequently, I do hereby make the following orders

**(a) That I appoint Alice Nyakarura Kibue, Veronicah Njeri Kibue, Paul Njung'e Kibue and Alice Njeri Ruringe administrators of the estate of the deceased;**

**(b) That a grant of letters of administration intestate shall issue to them accordingly; and**

**(c) That the new administrators shall move with speed to have the certificate of confirmation of grant dated 26<sup>th</sup> March 1996 rectified to conform with the orders made by the court on 17<sup>th</sup> June 1997 and 8<sup>th</sup> December 2011, and also to the order herein.**

**DATED, SIGNED and DELIVERED at NAIROBI this 23<sup>RD</sup> DAY OF SEPTEMBER, 2016.**

**W. MUSYOKA**

**JUDGE**

