

IN THE HIGH COURT

AT MURANG'A

SUCCESSION CAUSE NO 136 OF 2014

(FORMERLY NAIROBI PETITION NUMBER 129 OF 1992)

IN THE MATTER OF THE ESTATE OF PITHON MACHARIA MUCHINA, DECEASED

R U L I N G

1. On 19th March 1993 a grant of letters administration intestate was issued herein jointly to **Ruth Kanyiha, Victoria Wanjiru , Juphanel Mwangi and James Gilbert Macharia**. A **summons dated 16th October 1996** to confirm the grant was subsequently filed; it was never timeously prosecuted. In the course of time three (3) of the four administrators died leaving only Victoria Wanjiru. She applied by summons dated 18th December 2013 for this cause to be transferred from the **High Court, Nairobi** to the **High Court, Murang'a** (where it now belonged) for disposal without any further undue delay. An order for transfer of the cause was made by the High Court, Nairobi and the cause was forwarded to this court.
2. The surviving administrator then fixed for hearing the summons for confirmation of grant. In further support of the summons she swore and filed a **further affidavit** on 1st December 2014. She set forth in that affidavit her revised proposals for distribution, which proposals are informed by the deaths of the three other administrators, who were also beneficiaries of the estate. The list of beneficiaries has necessarily changed because of the deaths of those 3 administrators/beneficiaries.
3. I have perused the court record and there is no affidavit of protest or other objection to confirmation filed. I have also seen in the court record a **consent in form 37 dated 28th November 2014** which is signed by some seven (7) dependants/beneficiaries of the estate.
4. In these circumstances I will confirm the grant issued on 19th March 1993 **to the surviving administrator only, Victoria Wanjiru**. This confirmation is made under **Rule 40(8)** of the **Probate and Administration Rules**. Distribution shall be as proposed at paragraph 11 of the further affidavit of Victoria Wanjiru Macharia filed on 1st December 2014. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 16TH FEBRUARY 2014

H. P.G. WAWERU

JUDGE

DELIVERED THIS 20TH DAY OF FEBRUARY 2015