



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI

SUCCESSION CAUSE NO.749 OF 2009

IN THE MATTER OF THE ESTATE OF:

S H W DECEASED

AND

J W M)

L W W) PETITIONERS/APPLICANTS

AND

R W G (DECEASED) CO-ADMINISTRATOR

RULING

By a chamber summons under **Section 81** of the **Laws of Succession** and **Rules 49** and **73** of the **Probate and Administration Rules** the Applicants **J W M** and **L W W** moved the court for orders:-

THAT *the honourable court be pleased to order that all powers and duties of R W G (deceased) be vested to J W M and L WA W.*

THAT *the honourable court be pleased to issue to the applicants a fresh amended Grant of Letters of Administration and Certificate of Confirmation of a Grant.*

THAT *the honourable court be pleased to order the Land Registrar Nyeri cancels the title deed to Land Parcel No.[particulars withheld] issued on 23rd February 2011 to J W M and L WA W and rectify the Land Register and the land to revert into the names of the deceased SL H W so that thereafter the land can be inherited as per the further amended Certificate of Grant.*

The application was supported by the annexed affidavit of **J W M** wherein he deponed that honourable court issued to **L W W** and himself Letters of Administration dated 10th February 2010 which was confirmed on 2nd December 2010 upon which the land No.[Particulars withheld] was transmitted to himself and his wife in trust to their grandson **J W H**.

On 10th January 2012 **R W G** deceased filed an application for revocation or annulment of the Letters of Administration issued on them and on 12th June 2012 consent was recorded and adopted as judgment of the court and parties issued with an amended certificate of confirmation of Grant on 12th June 2012 and that as they were in the process of distributing the estate so that could be registered in the names of the

beneficiaries J W H and M L W H they learnt that the said R W G had passed away.

It was deponed that the said R W G was the mother of one of the beneficiaries of the land [particulars withheld] which they seek to distribute to the beneficiaries.

From the court record herein R W G was appointed a joint administrator to the estate of S H W deceased by consent of the parties on 12th June 2012 and by the said consent the certificate of confirmed grant issued herein rectified to reflect the beneficiaries stated in the application.

It has been confirmed by the death certificate annexed as JWM4 that that the said R W G has since died before completion of the administration of the estate and therefore can not perform her duties as an Administrator.

In the interest of justice I therefore find that the application dated 23rd April 2014 has merit for the benefit of the minor beneficiaries herein namely J W H and M L W H and hereby allow the same in the following terms:-

- a. *J W M and L W W are hereby appointed joint Administrators of the Estate of S H W.*
- b. *Registration of LR NO[particulars withheld] issued on 23rd April 2011 be and is hereby revoked and cancelled.*
- c. *LR NO. [particulars withheld] to be and is hereby transmitted and be registered in the names of J W M and L W W to hold in trust of J W H and M L W H (minors) equally in common until the age of majority.*
- d. *Death Gratuity to be shared equally between J W H and M L W H and to be administered by the Administrators for their benefit.*

Signed and dated this day of ,2015

J. WAKIAGA

JUDGE.

Delivered by Justice J. Ngaah on behalf of Justice J. Wakiaga on 19th day of march ,2015

J. NGAAH

JUDGE.

In the presence of:

----- for Petitioners/Applicants

----- for Respondents