

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
SUCCESSION CAUSE NO. 3664 OF 2004

IN THE MATTER OF THE ESTATE OF GEORGE WAIGANJO MBURU –(DECEASED)

RULING

1. George Waiganjo Mburu died on 20th December 1999. Two causes were opened in respect of his estate being **HCSC No. 3664 of 2004 and High Court Succession Cause No. 5 of 2007**. Grant was made in **High Court Succession Cause No. 3664 of 2004** to Peter Ndungu Mburu, while in **High Court Succession Cause No. 5 of 2007** it was made to Grace Nyakio Nduma and Mary Muchiku Muroki. The grant in **High Court Succession Cause No. 3664 of 2004** has been confirmed, but not that in **High Court Succession Cause No. 5 of 2005**.
2. Both causes were consolidated by consent on 1st December 2008.
3. When the matter was placed before me on 21st August 2013 for directions, it was proposed that the two grants be revoked and a fresh one made to both the current administrators.
4. Peter Ndungu Mburu, the administrator in **High Court Succession Cause No. 3664 of 2004**, is a brother of the deceased. The letter from the Chief of Karai Location dated 7th October 1993 reveals that the deceased was registered as owner of the only estate property, Karai/Gikambura/677, on his own behalf and on behalf of Peter Ndungu Mburu.
5. Grace Nyakio Waiganjo, the first administrator in **High Court Succession Cause No. 5 of 2007**, is a widow of the deceased and sister-in-law of Peter Ndungu Mburu. Both have a stake in the estate of the deceased.
6. It is only prudent, that the grants made in both causes be revoked. I hereby do revoke the grant made in **High Court Succession Cause No. 3664 of 2004** and that made in **High Court Succession Cause No. 5 of 2007**. I appoint Peter Ndungu Mburu and Grace Nyakio Waiganjo administrators of the estate of the deceased. The grant shall be made out of **High Court Succession Cause No. 3664 of 2004**. The certificate of confirmation of grant dated 20th November 2006 is hereby cancelled. The new administrators shall make a fresh application for confirmation of grant within 45 days. The matter shall mentioned after 45 days for compliance.

DATED, SIGNED and DELIVERED at NAIROBI this 31st DAY OF January, 2014.

W. MUSYOKA

JUDGE

