



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KENYA
SUCCESSION CAUSE NO. 2259 OF 2011

IN THE MATTER OF THE ESTATE OF WILFRED KABURUNJE GITAU –(DECEASED)

RULING

1. The only issue for determination is the appointment of administrators. This has become an issue because after the deceased's death his family commenced two causes being **High Court Succession Cause No. 2259 of 2011** and **High Court Succession Cause No. 2396 of 2011**.
2. In **High Court Succession Cause No. 2259 of 2011** representation was made to Susan Wangari Gitau, James Karinga Kaburunje and Margaret Wairimu Kaburunje on 6th June 2012. Susan is a sister of the deceased, James is a son of the deceased, while Margaret is a widow of the deceased. In **High Court Succession Cause No. 2396 of 2011** representation was made to Margaret Kaburunje and Stephen Mbugua Kaburunje, widow and son, respectively, of the deceased.
3. The two causes were consolidated by a ruling of the court made on 18th March 2013. The consolidation of the two causes meant that there now are five (5) administrators in place. The law does not countenance that. *Section 56 (1) (b)* of the Law of Succession Act provides that no grant of representation shall be made to more than four persons over the same property.
4. I note that Margaret Wairimu Kaburunje was appointed administrator in both causes. In reality then there are only four administrators following the two cause are consolidation of the two causes.
5. Given the above background I will make the following orders:-
 - a. That the grants referred to in paragraph 2 above are hereby revoked.
 - b. That I appoint Margaret Wairimu Kaburunje, Stephen Mbugua Kaburunje, Susan Wangari Gitau and James Karanja Kaburunje Gitau, administrators of the estate of Wilfred Kaburunje Gitau, deceased.
 - c. That grant of letters of administrators intestate issue to them accordingly.
 - d. That grant of letters of administrators shall apply for the confirmation of the said grant in the next 45 days.

e. That the matter shall be mentioned after 45 days for compliance.

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

W. MUSYOKA

JUDGE