



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT NAIROBI**

**MILIMANI LAW COURTS**

Succession Cause 2552 of 2007

**IN THE MATTER OF THE ESTATE OF JESSE RONGAI WACHIRA (DECEASED)**

**RULING**

The deceased, **Jesse Rongai Wachira**, died on 17<sup>th</sup> October 2000. He is said to have left registered in his name a parcel of land known as **GILGIL/KARUNGA/BLOCK 4/62** in an area called **New Ngecha**.

Following a citation made to this court a Grant of Letters of Administration was made on 19<sup>th</sup> May 2010 to **Humphrey Mugo Macharia, the citor**. The deceased's daughter, **Muthoni Wachira**, did not take trouble to respond or react to the citation save that the firm of M. N. Oonge & Co. Advocates had entered appearance on 9.12.2007 to the citation but took no further action in the matter after filing an affidavit sworn on 13.12.2007 by Jessie Muthoni Rongai in which the latter lamented that she had not been served with any application for Letters of Administration by the citor although she was the only person competent to apply for the Grant of Letters of Administration with her unnamed brother and sister.

The Grant of Letters of Administration intestate made on 19.5.2010 to Humphrey Mugo Macharia came up before me for confirmation on 3.11.2011 when I reserved this Ruling.

I have observed that:

1. No official search of the Land No.L.R. Gilgil Karunga BL 4/62 (New Ngecha) has ever been filed and consequently, it has not been established if the said land was registered in the name of the deceased at the time of his death on 17.10.2010.
2. Save for the citor, the other heir to the Estate of the deceased were not reflected in the application for the Grant.
3. The Applicant Humphrey Mugo Macharia is not related to the deceased in any way and is not an heir or a dependant of the deceased.
4. Although the list of 36 persons is said to be of persons who survived the deceased, it is patent that the persons named therein were allegedly purchasers.

In the light of this, the application and a hearing notice must be served on the children of the deceased namely **Jessie Muthoni Wachira** and her brother and sister who are represented by a firm of advocates known as **Messrs Oonge & Co. Advocates**.

I further observe that the Administrator appears to have been selling the deceased's land without authority to those who now claim to be entitled to share in the distribution of the estate.

**Dated at Milimani Law Courts, Nairobi, this 22<sup>nd</sup> day of March 2012.**

**G.B.M. KARIUKI, SC**

**JUDGE**

**COUNSEL APPEARING**

*Mrs. P. M. Ndungu Advocate for the Administrator*

*Mr. Kugwa - Court Clerk*