



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT EMBU**

**SUCCESSION CAUSE NO. 512 OF 2006**

**IN THE MATTER OF THE ESTATE OF GAKURU KIORUGARI –DSD**

**SISTER MARY ALOYSIE MUTHANJE.....APPLICANT**

**VERSUS**

**MICHAEL KATHURI GAKURU.....1<sup>ST</sup> RESPONDENT**

**JOHN NJERU GAKURU.....2<sup>ND</sup> RESPONDENT**

**R U L I N G**

The Applicant herein is one of the beneficiaries of the estate of the late Gakuru Kiorugari her father. The Administrator of the estate of the late Gakuru Kiorugari was one Eusephia Kiara Gakuru. She died last year before effectively executing the distribution of estate of Gakuru Kiorugari. The supervision of the distribution can only be done by an Administrator. Right now the estate of Gakuru has no Administrator and the Applicant cannot purport to be so acting. The deceased was also a beneficiary in the estate. This interest must be protected under Section 79 and 82 of the Law of Succession Act. The family should agree on who to substitute as Administrator to replace the late Eusephia Gakuru as Administrator and the relevant application be made. The new Administrator will then pick up from where Eusephia left in order to supervise the subdivision.

Any action will therefore be put on hold awaiting the appointment of a legal representative which I hope will be soon.

The Application stands dismissed.

**DATED, SIGNED AND DELIVERED AT EMBU THIS 18<sup>th</sup> DAY OF NOVEMBER 2011.**

**H.I. ONG'UDI  
J U D G E**