

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

Succession Cause 2210 of 2004

IN THE ESTATE OF NATHAN KANENE GICHARU (DECEASED)

RULING

Before me is a summons for rectification of a grant dated 23rd March, 2009 filed by M/s. Muhuhu & Company advocates on behalf of the applicant **ANNAH WANJIRU KANENE** a beneficiary. The orders sought are as follows:-

1. The Grant of letters of Administration issued to **JULIETTE WAIRIMU NDUNGU** in this matter on 20th September, 2004 be rectified to read the names of **ANNAH WANJIRU KANENE** as the administrator.
2. The names **PETER NGETHE NDUNGU, JAMES KANENE NDUNGU** and **PATRICK KAMANGU NDUNGU** be included in the list of beneficiaries in the place of **JULIETTE WAIRIMU NDUNGU**.
3. Such further or other orders be granted as the court may deem fit and just.
4. Costs of the application be in the cause.

The application has grounds on the face of the summons. The main grounds being that the administrator died on 21st October, 2008, and that there is need to replace the children as beneficiaries in the place of the deceased mother (administrator).

The application was filed with a supporting affidavit sworn by the applicant and filed on 11th June, 2009. Having considered the application and documents filed, I find that the applicant is the surviving child of the deceased. The other children mentioned, are the surviving children of the deceased administrator, I find that this is a proper case for substitution of the administrator, who is now deceased as prayed. I grant prayer 1 of the application.

Prayer 2 is also granted. However, this cannot be included in the rectified grant of letters of administration, but in the lists of beneficiaries in the documents to be filed.

It is so ordered as above.

Costs will be in the cause.

Dated and delivered at Nairobi this 20th day of January, 2010.

George Dulu
Judge