

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU

Succession Cause 305 of 1995

IN THE ESTATE OF PAUL M'TUARUCHIU M'RUBUINE (DECEASED)

M'NKANATA M'TUARUCHIU ADMINISTRATOR

TABITHA MBAKA M'MBIJIWE APPLICANT/BENEFICIARY

RULING

M'Ringera M'Twaruchiu petitioned for a grant of representation in October 1995 in respect of the estate of Paul M'Tuaruchiu. He died on 12th October 1999 before the grant could be issued. This court (Onyancha, J) appointed M'Nkanata M'Twaruchiu to replace M'Ringera M'Twaruchiu, I suppose as a legal representative. On 22nd February 2007 the grant was confirmed.

One of the dependants of the deceased, Paul M'Twaruchiu, is Tabitha Mbaka. She has brought the present application seeking that the administrator be ordered to sign the relevant documents to effect transfer of the parcels of land contained in the certificate of confirmation. She explains that the administrator has ignored and/or refused to execute the same.

The applicant is seeking in the alternative that the Executive Officer of this court be empowered by the court to sign the relevant documents should the administrator prove difficult or refuse. The application was duly served on the administrator who failed to respond to it or attend the court when it was canvassed.

There has been a long delay in finalizing this cause. It was filed over 10 years ago. There has been no dispute in it. In order to bring it to a close and in exercise of my discretion, it is ordered that the administrator shall arrange for the survey of the two parcels of land and thereafter execute all the relevant documents to effect the transfer to the beneficiaries. This must be done within two (2) months from today's date, failing which the Executive Officer, Meru High Court is authorized by this order to execute the relevant documents in place of the administrator.

I make no orders as to costs.

Dated and delivered at Meru this 15th day of February 2008.

W. OUKO

JUDGE