



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Succession Cause 2430 of 1996**

**IN THE MATTER OF THE ESTATE OF RUTH WANJIRU KIMANI – DECEASED**

**JUDGMENT**

Hannah Wanjiru Njogu one of the Administrators of the estate of the deceased herein brought in a summons for confirmation dated 28<sup>th</sup> November, 2003 and filed on 10<sup>th</sup> December, 2003.

After the said Hannah protested to the grant of administration to the co-administrator George Mbuthia Kimani and Hannah Njambi Kimani (a son and daughter of the deceased), an order of the court was made on 27<sup>th</sup> August, 2001 and a fresh grant was issued on 17<sup>th</sup> October, 2003 making George Mbuthia and Hannah Wanjiru Njogu as co-administrator.

Thereafter the application to confirm the said grant was made as aforesaid.

George Mbuthia, in his replying affidavit sworn on 27<sup>th</sup> February, 2004, has mentioned four beneficiaries leaving – Alice Njeri Chege a married daughter as a beneficiary. But Hannah has placed her name as a beneficiary.

George has thus proposed distribution as under.

**George Mbuthia Kimani (son) – 2 acres**

**Hannah Njambi Kimani (daughter) – One acre**

**Hannah Wanjiru Njogu (daughter-in-law) – 2 acres**

**Janet Wanjiru Kimani (daughter) – 1 acre**

Hannah has made following proposition

**George Mbuthia Kimani – 2 acres**

**Hannah Wanjiru Njogu – 2 acres**

**Alice Njeri Chege - ? acre**

**Hannah Njambi Gitau - ? acre**

**Janet Wanjiku - ? acre**

I also have an affidavit of protest sworn by Hannah Njambi Kimani on 20<sup>th</sup> January, 2005 she was an ex-administrator. In that affidavit she has suggested equal distribution amongst five dependants.

George has annexed a copy of Will of the deceased dated 11<sup>th</sup> October, 1993 addressed to the Chief Kikuyu Location through the area Assistant Chief Kerwa Sub-location.

However, in his ruling dated 27<sup>th</sup> August, 2001 Etyang J. has observed that there was no valid Will.

Thus I have to decide the application of confirmation of grant as an intestate estate.

At the time of hearing of the application of confirmation with the protest made by George, Mr. Kaai also stated that he has instruction to appear for George.

He submitted from the bar that despite the affidavit of 27<sup>th</sup> February, 2004, George who is his client has agreed to distribute the estate as per law and specified that the asset of the estate be divided equally amongst five beneficiaries of the deceased who were her children and daughter-in-law (Hannah the co-administrator).

As per the ruling of Etyang J., the only asset of the deceased was Muguga/Jet Scheme/377 only.

The certificate of confirmation then must be issued accordingly i.e. the aforesaid property be distributed equally amongst five beneficiaries mentioned in supporting affidavit of the summon for confirmation dated 28<sup>th</sup> November, 2003.

Orders accordingly.

Dated and signed at Nairobi this 7<sup>th</sup> day of July, 2006.

**K.H. RAWAL**

**JUDGE**

**7.7.06**