



REPUBLIC OF KENYA



In re Estate of the Late George Gituchu Icharia (Succession Cause E033 of 2021) [2025] KEHC 12834 (KLR) (4 September 2025) (Ruling)

Neutral citation: [2025] KEHC 12834 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
SUCCESSION CAUSE E033 OF 2021
DO CHEPKWONY, J
SEPTEMBER 4, 2025**

IN THE MATTER OF THE ESTATE OF THE LATE GEORGE GITUCHU ICHARIA

RULING

1. This is a ruling in respect of Summons for Confirmation of Grant dated 4th March, 2025 in which the Administrator/Applicant is seeking to have the Grant of Letters of Administration Intestate made by this Honourable Court on 28th June, 2022 confirmed. The application is premised on the grounds set out on its face and affidavit in support thereof sworn by Lilian Wanjiku Gituchu, the Administrator of the Estate of George Gituchu Icharia (Deceased). According to the Administrator all the dependants of the deceased have been identified and so have the assets including the shares each beneficiary is entitled to.
2. However, upon perusal of the court record, the court has noted that similar Summons dated 20th May, 2023 seeking similar orders was filed and Hon. Mshilla, J. delivered a ruling on 14th April, 2023 wherein the following orders were issued:-
 - a. The Petitioner to serve all the beneficiaries with the application for Confirmation of Grant and Summons and/or Citations and the Affidavit of Service be duly filed.
 - b. All beneficiaries are to be in attendance in court on the next mention date.
3. The Applicant then filed the present Summons and the counsel, Mr. Omondi who was holding brief for Mr. Gachie informed the court that the Summons had been served upon all the beneficiaries personally and there is an Affidavit of Service to confirm the same. He thus sought the court to allow the Summons and confirm the Grant.
4. As observed and noted in the previous ruling delivered by Hon. Justice Mshilla, the Applicant has again not attached consent of other beneficiaries or a renunciation of their rights in the Estate which is mandatory requirement as provided for under Rule 26(1) and (2) and Rule 40(8) of the Probate and Administration Rules. Failure to adhere to the said provisions and neither have the orders issued on the said ruling that all the beneficiaries appear in court been complied with Rule 26(1) and (2) of the



Probate and Administration Rules, requiring consent of all the beneficiaries, this Court is still unable to confirm the Grant at this juncture. In view of this, the court directs that:-

- a. All the beneficiaries of the Estate of George Gituchu Ichari being the children and the grandchildren of the deceased (i.e the children of the children of the deceased who are also deceased) to appear in court on the next mention date for further directions to issue.
- b. Mention on 2nd October, 2025 for further directions on the Summons for Confirmation of Grant.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 4TH DAY OF SEPTEMBER 2025.

D. O. CHEPKWONY

JUDGE

