



REPUBLIC OF KENYA



**In re Joseph M'magambo Raibuni alias Joseph Magambo Raibuni (Administrator)
(Succession Cause 13 of 1997) [2024] KEHC 1179 (KLR) (18 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 1179 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 13 OF 1997
TW CHERERE, J
JANUARY 18, 2024
IN AN APPLICATION FOR SUBSTITUION OF THE
ADMINISTRATOR
IN THE MATTER OF
LUKE MWIRIGI MAGAMBO APPLICANT**

RULING

Background

1. A Certificate of confirmation of grant in this matter was issued on 7th August, 2019 distributing the deceased's the estate as indicated on the face of the Certificate.
2. The Administrator died on 24th April, 2018. The applicant avers that the estates yet to be distributed. He seeks to be substituted with the deceased administrator. He also seeks to redistribute the estate.
3. In the application dated 19th July, 2023, the Applicant seeks to be substituted with the deceased Administrator and for redistribution of LR. Nkuene/Kathera/738.
4. I note that the beneficiaries do not oppose the application and have signed a consent filed together with this application on 2nd August, 2023.
5. Applicant has demonstrated by a copy of search certificate that LR. Nkuene/Kathera/738 is still registered in the name of the deceased. He prays that the same be distributed in equal shares to Silas Mwiti J. Raibuni and William John Mugo on the ground that some of the beneficiaries have renounced their entitlement to the asset for that reason that it would be uneconomical to partition it into small portions.
6. Concerning Plot No. 21, A Nkubu Market. I note the Applicant has proposed to distribute his father's share to himself. The estate herein belongs to M'Raiboni Munyora and invitation to distribute the entitlement of his son Joseph M'Magambo Raibuni is untenable and it is declined.



7. It is therefore hereby ordered as follows: -

- a. Luke Mwirigi Magambo is hereby appointed as administrator of deceased's estate in place of the deceased administrator Joseph M'Magambo Raibuni alias Joseph Magambo Raibuni.
- b. The Certificate of Confirmation of Grant issued on 07th August, 2019 shall be rectified to the extent that LR. Nkuene/Kathera/738 shall be distributed in equal shares to Silas Mwiti J. Raibuni and William John Mugo
- c. The share for Joseph M'Magambo Raibuni alias Joseph Magambo Raibuni shall be distributed to his estate and his beneficiaries shall be required to distribute it in a separate cause.
- d. Letters of Administration shall issue to Luke Mwirigi Magambo and the Certificate of Confirmation of Grant date 07th August, 2019 shall be rectified accordingly.
- e. This cause shall be mentioned on 29th April 2024 to confirm compliance with these orders and for further orders and/or directions.

DATED AT MERU THIS 18TH DAY OF JANUARY 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Gitonga for Basilio Gitonga, Muriithi & Associates.

