



**In re Estate of M’mbui M’ikiome (Deceased) (Succession Cause  
221 of 2007) [2024] KEHC 1432 (KLR) (15 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1432 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 221 OF 2007  
TW CHERERE, J  
FEBRUARY 15, 2024  
IN THE MATTER OF THE ESTATE OF M’MBUI M’IKIOME (DECEASED)**

**IN THE MATTER OF  
RAEL KARURU M’MBUI ..... PETITIONER  
AND  
JANET KATHURE PETER ..... APPLICANT**

**RULING**

1. By Certificate of Confirmation of Grant dated July 7, 2008, the estate in this cause was distributed as follows:
  1. Nyaki/Mulathankari/2066 to Living Waters EAPC
  2. Nyaki/Mulathankari/2067 to Janet Kathure Peter
  3. Co-operative Bank Account No. 0010975075200 to Rael Karuru M’Mbui

**Summons**

2. When the Applicant’s application dated 27<sup>th</sup> November, 2023 in which she seeks to substitute the Petitioner who died on 09<sup>th</sup> July, 2022 came before me for hearing, I directed that search certificates for the assets in this cause be filed.
3. The request was informed by the fact that this grant having been confirmed 15 years ago, the court needed to satisfy itself that the substitution was necessary.
4. The search certificates for Nyaki/Mulathankari/2066 and Nyaki/Mulathankari/2067 confirm that they were transmitted to Living Waters EAPC and Janet Kathure Peter respectively as directed by the court. The late Rael Karuru M’Mbui having executed the court order as directed by the court, nothing remains concerning the two assets that a new administrator would deal with.



5. Applicant has not demonstrated that the monies in Co-operative Bank Account No 0010975XXXXXX were not transmitted to Rael Karuru M'Mbui
6. It appears to me that Rael Karuru M'Mbui executed all her duties under Section 83(g) of the *Law of Succession Act*. The substitution of the deceased Petitioner would in my considered view not serve any meaningful purpose.
7. Consequently, the summons dated November 27, 2023 is unmerited and and it is thus disallowed.

**DATED AT MERU 15<sup>TH</sup> DAY OF FEBRUARY 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistants - Kinoti/Munene

For Applicant - Mr. Mwanzia for Muia Mwanzia & Co. Advocates

For Living Waters - Mrs Mutegi for Mutegi Mugambi & Co. Advocates

