



REPUBLIC OF KENYA



In re Estate of M’ugambi Mirithu Kimandia (Deceased) (Succession Cause 333 of 2003) [2024] KEHC 6239 (KLR) (23 May 2024) (Ruling)

Neutral citation: [2024] KEHC 6239 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 333 OF 2003
TW CHERERE, J
MAY 23, 2024
IN THE MATTER OF THE ESTATE OF M’ MUGAMBI MIRITHU
KIMANDIA (DECEASED)
AND
IN AN APPLICATION FOR CONFIRMATION FOR
SUBSTITUTION OF DECEASED ADMINISTRATOR
IN THE MATTER OF
JACOB MWILARIA M’MUGAMBI APPLICANT**

RULING

1. A Certificate of confirmation of grant in this matter was issued on 15th October, 2009 distributing the deceased’s the estate comprised in LR. Mikinduri/Atwana/263 as follows:
 - i. Constantine Mithika M’Mugambi - 1.50 acres
 - ii. Jacob Mwilaria M’Mugambi - 1.55 acres
 - iii. Pius Kiriamburi Mutuaruchiu - 0.70 acres
 - iv. M’Alaine M’Mukindia Mwitari - 0.75 acres
 - v. Kaburu Mugambi Mirithu - Balance
2. Applicant has demonstrated by a copy of search certificate that LR. Mikinduri/Atwana/263, the only asset of the estate was transferred to Constantine Mithika M’Mugambi in his capacity as the Administrator. He died on 30th August, 2014 as shown by certificate of death annexed to the supporting affidavit and as at that time, the estate had not been distributed.



3. By application dated 16th December, 2020, Jacob Mwilaria M'Mugambi (Applicant) one of the beneficiaries of the estate seeks orders to be substituted for the deceased administrator to complete the administration of the estate. He also seeks that the share for Constantine Mithika M'Mugambi be distributed to his wife Elizabeth Nkiringa Mithika.
4. I note that the beneficiaries do not oppose the application and I find that it would be in the interest of justice that the application be allowed so that the beneficiaries can finally get their respective shares of the estate.
5. This matter relates to the estate of M' Mugambi Mirithu Kimandia and an invitation to distribute the share for his son Constantine Mithika M'Mugambi is thus declined.
6. It is therefore hereby ordered as follows: -
 - a. Jacob Mwilaria M'Mugambi is hereby appointed as administrator of deceased's estate in place of the deceased administrator Constantine Mithika M'Mugambi.
 - b. Letters of administration shall issue in the name of Jacob Mwilaria M'Mugambi
 - c. The Certificate of Confirmation of Grant issued on 15th October, 2009 shall be rectified to the extent that LR. Mikinduri/Atwana/263 shall be distributed as follows:
 - i. The estate of Constantine Mithika M'Mugambi 1.50 acres
 - ii. Jacob Mwilaria M'Mugambi - 1.55 acres
 - iii. Pius Kiriamburi Mutuaruchiu - 0.70 acres
 - vi. M'Alaine M'Mukindia Mwitari - 0.75 acres
 - vii. Kaburu Mugambi Mirithu - Balance
 - d. Mention on 03rd October, 2024 to confirm transmission

DELIVERED AT MERU THIS 23RD DAY OF MAY 2024

WAMAE. T. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Applicant - Mr. Mwirigi for Elijah K. Ogoti & Co. Advocates

