



REPUBLIC OF KENYA



**In re Estate of Zakayo M’Ituuru M’Ibaya alias Zakayo Ibaya alias Ituru
Ibaya alias Ibaya Kaugo alias Zakayo Ituru (Deceased) (Succession
Cause 104 of 2001) [2024] KEHC 7088 (KLR) (6 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7088 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 104 OF 2001**

TW CHERERE, J

JUNE 6, 2024

**IN THE MATTER OF THE ESTATE OF ZAKAYO M’ITUURU M’IBAYA ALIAS ZAKAYO
IBAYA ALIAS ITURU IBAYA ALIAS IBAYA KAUGO ALIAS ZAKAYO ITURU (DECEASED)**

AND

**IN THE MATTER OF AN APPLICATION FOR RECTIFICATION
AND SUBSTITUTION OF DECEASED ADMINISTRATOR**

IN THE MATTER OF

ERIC KIRIMI BUNDI APPLICANT

RULING

1. Grant of Letters of Administration in this matter was granted to Peter Bundi M’ Tuuru on 25th February, 2003.
2. The Certificate of Confirmation of Grant in which the estate of the deceased was distributed was issued on 03rd June, 2008 and was subsequently amended on 04th December, 2012.
3. Peter Bundi M’ Tuuru (Deceased/Administrator) was Certificate of Confirmation dated 04th December, 2012 given a share of LR Nyaki/Giaki/173, Kangeta Market Plot 30 and LR Nyaki/Munithu/64.
4. Evidence in the form of a certificate of death demonstrates that Peter Bundi M’ Tuuru (Administrator) died on 24th March, 2019.
5. In order to satisfy myself that the estate of the deceased is still intact the grant having been confirmed 16 years ago, amended 12 years ago and Administrator having died 5 years ago, I directed on 04th March, 2024 that the Applicant files search certificates of all assets of the deceased.



6. The search certificate for LR Nyaki/Giaki/173 and LR Nyaki/Munithu/64 were not filed. Search certificate for Kangeta/Kangeta/30 reveals that is registered in the name of Gakuna Muthuri whose relationship to this estate has not been explained.
7. In the light of these circumstances, the summons dated 07th December, 2023 seeking rectification of the grant issued on 04th December, 2012 is incapable of being granted and it is declined.

DELIVERED AT MERU THIS 06TH DAY OF JUNE 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Petitioner/Applicant -Ms. Murugi for Meenye & Kirima Advocates

