



**In re Estate of Marete Kiraitu (Deceased) (Succession Cause  
76B of 1994) [2023] KEHC 2335 (KLR) (16 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2335 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 76B OF 1994  
TW CHERERE, J  
MARCH 16, 2023  
IN THE MATTER OF THE ESTATE OF MARETE KIRAITU DECEASED**

**BETWEEN**

**CHABARI MARETE ..... ADMINISTRATOR**

**AND**

**GEORGE KINOTI KARANI ..... INTERESTED PARTY**

**AND**

**GEORGE KINOTI KARANI ..... INTERESTED PARTY**

**RULING**

1. Certificate of Confirmation of Grant in this matter was issued to Chabari Merete (Administrator/ Applicant) on 29<sup>th</sup> November, 2017. To date, over 5 years down the line, the estate has not been distributed.
2. Section 83 of the *Law of Succession Act* Cap 63 Laws of Kenya which provides that: (g) within six months from the date of confirmation of the grant, or such longer period as the court may allow, to complete the administration of the estate in respect of all matters other than continuing trusts, and to produce to the court a full and accurate account of the completed administration.
3. Applicant's notice of motion dated 26<sup>th</sup> January, 2023 requesting for police security during sub-division of the land neither identifies the persons that are interfering with sub-division nor does it give details of incidents when sub-division was commenced but was stalled due to interference.
4. Section 76 of the Law of Succession provides that:  
A grant of representation, whether or not confirmed, may at any time be revoked or annulled if the court decides, either on application by any interested party or of its own motion-



- d. that the person to whom the grant was made has failed, after due notice and without reasonable cause either-
  - i. to apply for confirmation of the grant within one year from the date thereof, or such longer period as the court has ordered or allowed; or
  - ii. to proceed diligently with the administration of the estate; or
  - iii. ....
5. It has been more than five years since the Certificate of Confirmation of Grant was issued. Applicant has not offered any explanation for his failure to discharged his obligation to distributing the estate. Consequently, I find that the delay on the part of the Applicant is inordinate and prejudicial to the beneficiaries of deceased's estate and the interests of justice calls for court's intervention.
6. To that end, it is hereby ordered:
  1. Notice of Motion dated 26<sup>th</sup> January, 2023 is found to have no merit and it is dismissed.
  2. Letters of Administration issued to the Applicant on 19<sup>th</sup> September, 1994 are hereby revoked
  3. Chief's letter be availed with a list of the names of deceased's beneficiaries whether dead or alive
  4. Parties to agree on the names of administrators to the estate
5. This matter will be mentioned on 27<sup>th</sup> April, 2023 to confirm compliance with orders (3) and (4) and for further orders as may be appropriate
6. Applicant is condemned to pay the costs of this application

**DATED AT MERU THIS 16<sup>TH</sup> DAY OF MARCH 2023**

**WAMAE.T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Otieno for Otieno C. & Co. Advocates

For Interested Party - Mr. Gitonga for Basilio Gitonga, Muriithi & Associates

