



**In re Estate of Catherine Ncekei Peter (Deceased) (Succession Cause  
477 of 2011) [2023] KEHC 3211 (KLR) (14 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3211 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 477 OF 2011  
EM MURIITHI, J  
APRIL 14, 2023**

**IN THE MATTER OF**

**KELVIN MBURUGU ..... 1<sup>ST</sup> APPLICANT**

**LIVINGSTONE KOOME ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. The applicants, who are nephews of the deceased herein filed a petition for Letters of Administration Intestate of Estate assets unadministered dated 20/8/2020. They aver that although letters of administration intestate were granted by this Court to Philisila Mukami Riungu on 19/3/2013, she had become very old and unable to perform her duties as an administrator, leaving part of the estate unadministered. By a Supplementary List of Documents filed on 23/11/222 it is shown that the 2<sup>nd</sup> administrator Martin Kabutu Riungu is deceased having died on 11/10/2016.
2. The petition is said to be extremely urgent because the deceased estate is in danger of being wasted and part thereof surrendered as unclaimed. Some of the properties have been listed by the Unclaimed Financial Assets Authority (UFAA) as unclaimed assets and they include Shares with Afya Investment Coop Sacco Ltd No. 8349 & 42576, Shares with Afya Coop Ltd, Shares with Hazina Coop Sacco Ltd Nairobi A/C No. 0110005586700, Shares with Kenya Re-Insurance Co. Ltd, Shares with Safaricom, Shares with Access Kenya and Shares with KCB.
3. There is no evidence that the Shares listed herein above have indeed been listed as unclaimed assets by the Unclaimed Financial Assets Authority. The grant herein was duly confirmed on 8/4/2014 where all the assets of the deceased were given to her son Kelvin Muthuri. The applicants have not disclosed the whereabouts of the said Kelvin Muthuri, who is the sole beneficiary of the Estate herein. Nor is it averred that the Kelvin Mburugu 1<sup>st</sup> applicant herein is the same Kelvin Muthuri who was shown as minor son (then aged 17 years) of the Deceased in the Affidavit in support of the Petition dated September 2, 2011.



4. It has not equally been shown that the administrator has failed to complete the administration herein. From the application it would appear that the alleged unadministered properties are only shares in various companies. All Kelvin Muthuri is required to do in order to access the said shares is only to produce a certified copy of the Confirmed Grant to the said companies. For that purpose, he may be the applicant for the reissue of the Grant in his name.

**Orders**

5. Accordingly, for the reasons set out above, the application dated 20/8/2020 by the nephews of the deceased is dismissed.
6. There shall be no order as to costs.  
Order accordingly.

**DATED AND DELIVERED ON THIS 14<sup>TH</sup> DAY OF APRIL, 2023.**

**EDWARD M. MURIITHI**

**JUDGE**

**Appearances:**

**Mr. Waweru instructed by M/S Kithinji Marete &Co. Advocates for the Applicant.**

