



**In re Estate of Joseph Gathige Kamau (Deceased) (Succession Cause
1664 of 1992) [2023] KEHC 19670 (KLR) (Family) (6 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19670 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1664 OF 1992
EKO OGOLA, J
JUNE 6, 2023
IN THE MATTER OF THE ESTATE OF JOSEPH GATHIGE KAMAU (DECASED)**

RULING

The Application

1. Before the court is the Summons Application dated 15th February, 2023 where the Applicant prays for the following orders:
 1. That a fresh Grant of letters of Administration be issued to Jane Wangui Gathige after the previous Grant and Certificate of confirmation were revoked
 2. That the fresh Grant issued be confirmed before expiry of six months in view of the age of the cause
 3. Costs be in cause
2. The application is anchored upon section 66 (a), 71 of the *Law of Succession Act* cap 160 and Rule 49 of the Probate and Administration Rules. The Application is based on the grounds on the face of it and supported by the Affidavit of Jane Wangui Gathige sworn on 15th February, 2023.
3. This matter relates to the estate of Joseph Gathige Kamau. A grant of letters of Administration was issued to Jane Wangui Gathige (widow of the deceased) and Francis Kamau Gathige (son of the deceased) on 22nd March, 1993 and confirmed on 11th March 1994. According to the Applicant, some of the beneficiaries sought revocation for being left out in the Succession. The Applicants in the Application for revocation are daughters of the deceased. On 29th November, 2022, the court revoked the Grant and the Subsequent confirmation. The parties entered into a consent with the Administrator for Confirmation of Grant. The beneficiaries apart from one Francis Kamau Gathige consented to Jane Wangui Gathige being made the sole administrator.
4. The Application is unopposed.



5. After careful consideration of the Application the issue for determination is whether Jane Wangui Gathige should be issued with fresh grant of Administration.
6. The Grant issued to the previous Administrators and its subsequent confirmation having been revoked, the estate of the deceased should not be without an Administrator. The beneficiaries have agreed and consented that their mother Jane Wangui Gathige should be the sole Administrator of the estate. One Francis Kamau Gathige has refused to give his consent, however he has not lodged any objection with this court in that regard.
7. In light of the foregoing, this court makes the following Orders: -
 - i. A fresh Grant of letters of Administration to be issued to Jane Wangui Gathige
 - ii. The said Grant to be confirmed on 3rd October, 2023
 - iii. Costs in the cause

Orders Accordingly

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 6TH DAY OF JUNE 2023.

E.K. OGOLA

JUDGE

