



REPUBLIC OF KENYA



In re Estate of Mbucho Gitinio alias Mbucho Gitinyo (Deceased) (Succession Cause 2224 of 1998) [2023] KEHC 19470 (KLR) (3 July 2023) (Ruling)

Neutral citation: [2023] KEHC 19470 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
SUCCESSION CAUSE 2224 OF 1998**

EKO OGOLA, J

JULY 3, 2023

RULING

1. Before the court is a Summons Application dated April 4, 2022 where the Applicant prays for the following orders:
 - a. That the Honorable Court be pleased to amend the grant of letters of Administration intestate and the certificate of confirmation of grant issued to Gladys Wanjiru Muraya and John Nyoike Muraya on April 29, 1999 and June 30, 2009 respectively so as to remove the name of Gladys Wanjiru Muraya (now deceased) and John Nyoike Muraya to remain as the sole administrator.
 - b. That land parcel No. Juja/Juja East Block 1/264 which is entitled to Gladys Wairimu Muraya in the certificate of confirmation of grant be registered in the names of Jane Njeri Mbucho, John Nyoike Muraya, George Kinuthia Muraya and Paul Njenga Muraya equally.
 - c. That the costs of the application be in the cause
2. The application is supported by the Affidavit of John Nyoike Muraya sworn on April 4, 2022 on behalf of all beneficiaries.
3. In this case, the deceased Mbucho Gitinio alias Mbucho Gitinyo died on January 3, 1991. Consequently, the Applicant John Nyoike Muraya and Gladys Wanjiru Muraya were issued with Grant of letters of Administration on April 29, 1999 to the estate of the deceased. The Grant was subsequently confirmed on June 30, 2009. One of the administrators Gladys Wanjiru Muraya later passed away on July 30, 2015.
4. The Applicant seeks to rectify both the grant and the confirmation of grant to remove the name of the deceased administrator. It is the Applicant's averment that the rest of the beneficiary have consented to the Applicant being the sole administrator.
5. The Application is unopposed.
6. In this matter, the beneficiaries of the deceased person were Gladys Wanjiru Muraya, a widow to the deceased, John Nyoike Muraya, Jane Njeri Muraya, George Kinuthia Muraya and Paul Njenga Muraya



sons and daughter of the deceased. After the death Gladys Wanjiru Muraya, the number of beneficiaries only reduced by one person. The deceased Administrator/Beneficiary was a mother to the remaining beneficiaries.

7. From the beginning, there has not been any objection or protest in this matter and even with the current application, the applicant has attached a consent by the beneficiaries showing that none of them opposes the Application. The beneficiaries have also attached a signed agreement on how they intend to distribute the estate. Even if the beneficiaries could decide to have a separate succession for the deceased beneficiary who is their mother, the property as well as the beneficiaries would remain the same.
8. In consideration of the foregoing, the Summons Application dated April 4, 2014 is allowed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 3RD DAY OF JULY 2023.

E.K. OGOLA

JUDGE

