



**In re Estate of the Late M'Raria M'Mungai alias Riria Miungi - (Deceased) (Succession Cause 544 of 2012) [2024] KEHC 13739 (KLR) (6 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13739 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 544 OF 2012  
LW GITARI, J  
NOVEMBER 6, 2024  
IN THE MATTER OF THE ESTATE OF THE LATE  
M'RARIA M'MUNGAI ALIAS RIRIA MIUNGI- (DECEASED)**

**BETWEEN**

**ADREW MARETE M'RIRIA ..... PETITIONER**

**AND**

**GIKANGA M'RIRIA ..... APPLICANT**

**RULING**

- 1 I have considered the application dated 12/6/2023. The applicant seeks to be appointed as the administrator of the estate of the deceased to replace the petitioner who is now deceased.
- 2 The applicant is also seeking orders to cancel title deeds which were issued under the confirmed grant.
- 3 This application may not be granted as presented because there is none compliance with Rule 26 of the Probate and Administration Rules. The applicant has not annexed a consent signed by all the beneficiaries consenting to his being appointed as the administrator.
- 4 Secondly, the grant which was confirmed shows that the estate was distributed. There may be persons named on the said grant and who may be affected by the order of cancellation of the title deeds. There is no evidence to show that they were served. The order if issued will amount to denying them an opportunity to be heard. I have perused the court record and I have not seen any evidence of service on the beneficiaries. I order that:-
  1. The applicant to file a consent from other beneficiaries confirming that they have no objection to have the applicant appointed as the administrator.
  2. The person(s) likely to be affected by the order of cancellation of title deeds be served.



**DATED, SIGNED AND DELIVERED AT MERU THIS 6<sup>TH</sup> DAY OF NOVEMBER 2024.**

**L.W. GITARI**

**JUDGE**

**6/11/2024**

