



REPUBLIC OF KENYA



KENYA LAW
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**Maina v Kithenji (Family Appeal 2A of 2018)
[2024] KEHC 16152 (KLR) (16 December 2024) (Ruling)**

Neutral citation: [2024] KEHC 16152 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
FAMILY APPEAL 2A OF 2018
JM NANG'EA, J
DECEMBER 16, 2024**

BETWEEN

FRASIA WANJIRU MAINA APPELLANT

AND

THUU MAGU KITHENJI DEFENDANT

RULING

1. A beneficiary of the deceased's estate (Mary Nyakaki Thuku) brings a Summons dated 22nd July, 2024 seeking revocation of Grant of Letters of Administration herein issued to Gideon Githua Njoroge on 24th August, 2018; issuance of the Grant to the applicant and subsequent confirmation of the Grant.
2. The applicant avers by affidavit in support of the Summons that the said Gideon Githua Njoroge has since passed on and Certificate of Death is exhibited. In the circumstances, the court is told that the Grant has become useless and inoperative, hence the application for its revocation. A copy of a consent purporting to have been executed by beneficiaries of the estate for appointment of the applicant as the new administratrix is also annexed to the application. So is a copy of the chief's letter indicating that the beneficiaries have agreed that the widow of the deceased's administrator be bequeathed the whole share of the estate that had been allocated to the deceased administrator. The applicant further states that subdivision of other properties of the deceased herein will continue as per the court order issued on 27th September, 2021.
3. The record shows that the Grant herein was confirmed on 24th August, 2018 vide Certificate of Confirmation of Grant of the same date. The Applicant therefore appears to seek rectification or amendment of the Grant and not confirmation thereof as prayed.
4. The application for appointment of the applicant as Administratrix and rectification/amendment of the Grant is allowed, all the beneficiaries appearing in court personally having concurred.
5. It is directed accordingly.



J.M NANG'EA , JUDGE.

RULING DELIVERED VIRTUALLY THIS 16TH DAY OF DECEMBER, 2024 IN THE PRESENCE OF:

Advocate for the Applicant, Mr. Mutai

All beneficiaries present

Court Assistant, Mr. Lepikas

J. M NANG'EA, JUDGE

