



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NUMBER 45 OF 1997

IN THE MATTER OF THE ESTATE OF THE LATE WAITHAKA NJUGUNA (DECEASED)

RULING

1. The application before court is dated 5/10/2018. Veronicah Wanjiru Njenga seeks orders;

1. THAT the name of BENJAMIN MBURU WAITHAKA (DECEASED) be substituted with that of VERONICAH WANJIRU NJENGA ID/NO. 3650095.

2. THAT the cost of this application be in the cause.

2. The application is based on the affidavit of the applicant and on grounds;

1. THAT BENJAMIN MBURU WAITHAKA (DECEASED) died on the 18th day of November, 2017 after the grant had been confirmed and issued.

2. THAT for purposes of effective administration of the said estate of WAITHAKA NJUGUNA (DECEASED) it is necessary that the name of BENJAMIN MBURU WAITHAKA (DECEASED) be substituted with that of VERONICAH WANJIRU NJENGA.

3. The gist of the application is that Benjamin Mburu Waithaka who was the administrator of the estate of Waithaka Njuguna is now deceased. A death certificate is annexed. He died on 18/11/2017.

4. It becomes necessary, therefore, to substitute his name with that of Veronicah Wanjiru Njenga, a sister to Benjamin.

5. A consent by the beneficiaries of the estate of Waithaka Njuguna duly signed is exhibited.

6. I have considered the present application. I note that the certificate of confirmation of grant dated 9/10/2015 shows that Benjamin Mburu Waithaka (deceased) who was the administrator in the estate of Waithaka Njuguna had moved the administration of the estate to the stage of confirmation of grant.

7. I further note that, the only named property comprising the estate being plot number 306 Gichobo Scheme was to transmit to Benjamin Mburu Waithaka in whole share.

8. It follows, then, that since the erstwhile administrator is deceased, it is necessary to amend the grant to include the applicant as the administrator.

9. For avoidance of doubt, her powers will be limited to signing of the transmission to Benjamin Mburu Waithaka of title plot number 306 Gichobo Scheme as per earlier orders of court and to wind up the estate. This is the only step remaining in the winding up of the estate if transmission has not already taken place.

10. I therefore allow the application dated 5/10/2018 and make the following orders;

1. Veronicah Wanjiru Njenga is hereby appointed the administrator of the estate of Waithaka Njuguna.

2. Earlier grant issued to Benjamin Mburu Waithaka is hereby revoked.

3. A grant of letters of administration intestate is made to Veronicah Wanjiru Njenga and confirmed in terms appearing in

the certificate of confirmation of grant dated 12/10/2015.

4. The said Veronicah Wanjiru Njenga to wind up the administration of the estate and to give account to the court within six (6) months hereof.

5. A mention date for accounts be taken.

6. Costs in the cause.

Dated and Delivered at Nakuru this 13th day of February, 2019.

A. K. NDUNG'U

JUDGE