

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (FAMILY DIVISION)

SUCCESSION CAUSE NO 2792 OF 1997

IN THE MATTER OF THE ESTATE WILSON ICHARIA NGETHE

(DECEASED)

JOHN MUTURI NJUGUNA.....APPLICANT

RULING

1. Before court is an application seeking to substitute one of the administrators of the estate of **Wilson Icharia Ngethe** so that in place of one **Nelson Kahiu Echaria** now deceased one **John Muturi Njuguna** becomes the administrator.
2. The deceased left several properties and had 6 heirs one of them was **Nelson Kamau Echaria**. The applicant claims to have bought properties Ruiru East/Juja Block 2/1526 & 2/1527 from **Nelson Kamau Echaria**.
3. From the record the administrator of this estate is **Edward Kubai**, he is not said to have died. There are several other beneficiaries as well. None of their consents have been obtained.
4. In any event if an administrator is deceased he can only be replaced with consent of all. A stranger cannot be put in place. Secondly the administrator herein is not said to have been dead when the grant was being confirmed. Or to have died subsequently. Though from the record **Nelson Kamau Echaria** was already deceased at the time of confirmation of the grant herein.
5. The Applicant must engage the administrator in this estate of **Nelson Kamau Echaria** so that if he is a genuine buyer, he may be considered as a liability in Nelson's estate.
6. The application is therefore declined as he has no interest in this particular estate. No order as to costs.

Dated and Delivered in Nairobi on this 7th day of February, 2019

ALI-ARONI

JUDGE