



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

SUCCESSION CAUSE NO. 928 OF 2000

IN THE MATTER OF THE ESTATE OF BENEDICT ONYANGO OGUTU - DECEASED

PAULINE ANNA BENADETTE A.....APPLICANT/ADMINISTRATOR

VERSUS

AUGOSTIN OGUTU.....1ST DEFENDANT/ADMINISTRATOR

ERIC OGUTU2ND DEFENDANT/BENEFICIARY

RULING

1. The Court directed that administrators of the Estate herein to file for confirmation of the grant within 90 days from the date of the order 5.10.2018 in default of which the grant made to them shall stand automatically revoked.
2. The three administrators were also directed to render accounts either jointly or severally of the administration of the Estate for the duration they have been administrators covering an inventory of the assets, the rents collected and the expenditures incurred among others
3. Upon perusing this file I find that the initial grant of Letters which was issued to Wilkister Adhiambo Onyango and Augustine Ogutu Onyango on 18/7/2000 was revoked on 23.5.2014 and fresh one issued to Wilkister Adhiambo Onyango and Augustine Ogutu Onyango (the current three administrators)
4. The three administrators were directed to apply for fresh confirmation of grant and to include assets which had been left out in the initial grant.
5. Despite several orders of the Court the Estate has not been distributed as the administrators have failed to apply for confirmation and they have also failed to produce in court inventory or accounts as directed.
6. The Administrators are not able to administer this estate and the grant has become in-operative and in any case, after the expiry of 90 days on 5th January 2019 from the date the directive was issued by the Court on 5.10.2018, the grant herein was automatically revoked.
7. The Estate has continued to waste and it is the duty of this Court to exercise its discretion to appoint an administrator as provided under Section 66 of the Law of Succession Act.
8. The grant which was automatically revoked had been made to the surviving spouse with two of the beneficiaries but they have been unable to administer the estate as they are involved in wrangles.
9. The other beneficiaries do not seem to show any interest in the administration of the estate and the next in order of preference is the Public trustee.
10. I therefore find that it is in the best interest of all concerned that the administration of this estate be taken over by the Public Trustee to Salvage the estate and oversee the distribution of the same to all the beneficiaries.
11. I accordingly direct that a fresh grant do issue to the Public Trustee since the grant which was issued was automatically revoked at the expiry of 90 days from the date of issue for failure by the Administrators to apply for confirmation.
12. The Public Trustee is directed to apply for confirmation of grant within 45 days of this date and to proceed to distribute the estate to the

beneficiaries within 6 months from the date of the confirmation of grant.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 1ST DAY OF FEBRUARY, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI