



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 611 OF 1995

IN THE MATTER OF THE ESTATE OF KIBUI KANGARI (DECEASED)

RULING

1. This matter has been pending before this Court since 1995. This Court directed the parties to file case Summaries on what has transpired in this case since 1995.
2. I have had the opportunity to peruse this file and I find that several rulings have been made in this matter.
3. The deceased herein KIBUI KANGARI died intestate on 4th May 1992 and CHRISTOPHER RURINGE KIBUI petitioned for letters of Administration and listed the following as the beneficiaries of the estate;
 - (i) Leah Wambui (Wife – already deceased)
 - (ii) Hannah Wairimu (Wife Now Deceased)
 - (iii) George Rurine (Son also pre-deceased him)
 - (iv) Jane Njanja (daughter)
 - (v) Alice Nyakarura (Daughter)
 - (vi) Veronicah Njeri (Daughter)
 - (vii) Paul Njoroge (son)
4. The grant of Letters of Administration was made to Christopher Ruringe on 23.5.1995 and confirmed on 28th March, 1996.
5. A Ruling was made on 28th March, 1996 by Justice Githinji (as he was then) which identified five survivors after the Court heard oral submissions. The Court ordered that the estate be distributed equally amongst the five survivors who were as follows:
 - (i) Hannah Wairimu Kibui
 - (ii) Christopher Ruringe Kibui
 - (iii) Paul Njoroge Kibui
 - (iv) Alice Nyakarura Kibui
 - (v) Alice Njeri Ruringe
6. The five beneficiaries were to share the following properties equally (each one fifth Share)
 - (i) Dagoretti/Waithaka/154

(ii) Dagoretti/Waithaka/T96

(iii) Dagoretti/Waithaka/T94

7. On 17.6.1997 Justice Kuloba made a ruling allowing Jane Njanja Kibue to be included as a beneficiary of the estate.

8. The Court also ruled that two plots be carved out of Dagoretti/Waithaka/154.

9. Another Application was made by Veronica Njeri Kibue on 4.9.2011 and it was allowed by Justice Njagi on 3.12.2011 and the Court ordered that veronica Njeri Kibue be included on the list of the beneficiaries.

10. On 20.6.2016, Justice W. Musyoka revoked the grant of letters of administration intestate made on 23.5.1995 and confirmed on 28.3.1996 on 23.9.2016.

11. Justice Musyoka ordered that Letters of Administration be issued to the following:

(i) Alice Nyakaruru Kibue

(ii) Veronica Njeri Kibue

(iii) Paul Njoroge Kibue

(iv) Alice Njeri Ruringe (Now deceased)

12. On 23.9.016 Justice Musyoka also ordered that the Certificate of Confirmation issued on 28.3.1996 be rectified to comply with the orders made on 17.6.1997 and 8.12.2011.

13. This Court issued letters of administration to Alice Nyakarura Kibue, Veronicah Njeri Kibue and Paul Njoroge Kibue on 5.4.2019.

14. I now direct that the three administrators apply for rectification of the Certificate of Confirmation issued on 28.3.1996 to comply with the orders of 28.3.1996, 17.6.1997 and 8.12.2011.

15. For avoidance of doubt, the said orders were as follows:

(i) On 28th March 1996, Justice Githinji ordered that the Estate be shared equally amongst the five beneficiaries.

(ii) Since Hannah Wambui Kibue (Deceased) has since passed away, I direct that her share to be distributed equally amongst the surviving beneficiaries

(iii) On 17.6.1997 Justice Kuloba ordered that Jane Njanja be added as a beneficiary of the estate and further that two plots be carved out of Dagoretti/Waithaka/154

(iv) On 8.12.2011 Justice Njagi ordered that Veronica Njeri Kibue be included as a beneficiary.

(v) Since Jane Njanja is now deceased, her share to go to Veronicah Njeri Kibue.

(vi) I further direct that the three administrators namely Alice Nyakaruru Kibue, Veronica Njeri Kibue and Paul Njunge Kibue apply for rectification of the Certificate of Confirmation issued on 28.3.1996 to comply with the above stated orders within 30 days of this date.

DELIVERED, SIGNED AND DATED IN OPEN COURT THIS 20TH DAY OF SEPTEMBER, 2019

ASENATH ONGERI

JUDGE OF THE HIGH COURT OF KENYA, NAIROBI.