

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 1345 OF 1999

**IN THE MATTER OF THE ESTATE OF GACHARE GICHABA alias GICHARI GICHABA
(DECEASED)**

RULING

1. The deceased herein died on 13th November 1993. Representation to his estate was sought by his widow, Catherine Gathoni Gichari, in a petition lodged herein on 23rd June 1999. She listed herself and seven (7) children as survivors of the deceased. The children are said to be Philip Wanjohi, Joseph Warungu, Lucy Njamiu, Gladys Wamucii, P. Kamweti, Mercy Waringa and Jane Wangui. A grant of letters of administration intestate was accordingly made to her on 9th November 1999.
2. She sought confirmation of the said grant by an application dated 6th June 2000. The grant was confirmed on 16th June 2000, where the sole asset, Kirimukuyu/Gachuiro/136, was shared out equally between the widow and seven children. Curiously, at confirmation, the list of survivors increased by one person, Patrick Macharia Gachari, who was not in the list in the petition. In the distribution, Gladys Wamucii was not included.
3. The application that I am asked to determine is dated 8th March 2016. It seeks rectification of the grant and of the certificate of confirmation of grant. The applicant would like two beneficiaries omitted and three included. Jane Wangui is said to be no longer interested in the estate, while Patrick Macharia has died. Gladys Wamucii and James Wahome are said to be children who had been omitted in the distribution. James is dead, and the proposal is to have his share taken by his wives, Nancy Wairimu and Teresia Wangechi. It is proposed that the estate be divided into eight units, representing the eight children of the deceased interested in taking a share from the estate.
4. The applicant has attached copies of certificates of death in respect of Patrick Macharia Gachari and James Wahome Gachare. There is also an affidavit by Jane Wangui Gachare where she states that she has no interest in the estate.
5. I am satisfied that the orders sought are available for granting. I shall order that the certificate of confirmation of grant dated 16th June 2000 be amended as proposed in the affidavit in support of the application dated 8th March 2016.
6. The estate comprises of only one asset, a piece of land, Kirimukuyu/Gachuiro/136, situated within Nyeri County. The deceased had no property in Nairobi. The cause herein shall accordingly be transferred to the High Court of Kenya at Nyeri for disposal.

DATED, SIGNED and DELIVERED at NAIROBI this 3RD DAY OF FEBRUARY, 2017.

W. MUSYOKA

JUDGE