



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 240 OF 1986**

**IN THE MATTER OF THE ESTATE OF GRACE NDUTA KINUTHIA (DECEASED)**

**RULING**

1. The Court has before it a Summons for Amendment of the Letters of Administration granted. The Application is brought under **Rule 4** of the Probate and Administration Rules. The underlying matter relates to the Estate of Grace Nduta Kinuthia. She passed away on 7<sup>th</sup> January, 1984, leaving a Will. The Letters of Administration were taken out by Felix Kimura Kinuthia on 25<sup>th</sup> November, 1986. The Grant and distribution was confirmed on 11<sup>th</sup> November, 1987 by Certificate of Confirmation of Grant of that date.

2. Sadly, the Administrator FELIX KIMURA KINUTHIA has also now passed away on 10<sup>th</sup> February, 1996. It seems that he was not able to complete the distribution of the Estate he was administering. In the circumstances the Application before the Court is brought by one Kenneth Kinyanjui Kinuthia to be substituted as administrator of the Estate.

3. The Applicant states that he is a beneficiary of the Estate. Indeed he is named in the earlier Application as a child of the Deceased. The remaining children of the Deceased Grace Nduta Kinuthia are:

- a) Joyce Wanjiru Kimura (Not child but beneficiary)
- b) Henry Karuma Kinuthia
- c) David Ihuthia Kinuthia
- d) Ephantus Ruo Kinuthia
- e) Nancy Wairimu Kinuthia
- f) Beatrice Wangari Kinuthia
- g) John Kinuthia Wangari

They have signed a formal consent to signify their agreement to the substitution.

4. From the Affidavit previously filed in Court, it is readily apparent that the Applicant is in the order of preference to apply to be substituted as an administrator of his mother's estate. Although having a sole administrator is not an ideal arrangement, in this case however, the other beneficiaries have consented to the Application.

5. In the circumstances, the Application is granted and the Applicant is substituted to become the administrator of the Estate.

Order accordingly,

**FARAH S.M. AMIN**

**JUDGE**

**Delivered Dated and Signed at NAIROBI this 14<sup>th</sup> day of March, 2017.**

In the Presence of:

Court Clerk: Patrick Mwangi

Counsel for Applicants: Mrs Kangiri