

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 348 OF 2014

**IN THE MATTER OF THE ESTATE OF SERAH WANJIRU alias SARAH WANJIRU MURAGA
(DECEASED)**

RULING

1. The Summons dated 4th March 2015 seeks confirmation of the grant made on 24th September 2014, and the removal of Paul Mobe Muraga as administrator for he passed away on 20th September 2014. There is copy of a certificate of death attached, serial number 0215325, which indicates that Paul Mobe Muraga died on 20th September 2014.
2. The summons came up for hearing on 4th May 2015, but it was not granted as it transpired that one of the survivors of the deceased, going by the name of Damaris Wamaitha Muraga Mobe, was out of the country and had not consented to the proposed distribution. It was directed that a consent duly signed by her before a notary public be filed.
3. The orders made on 4th May 2015 were complied with by the filing, by Damaris Wamaitha Muraga Mobe, of an affidavit notarized on 14th May 2015. She agreed completely with the distribution proposed by the administrator save that her list comprised of nine (9) assets, while the administrator's comprised of eleven (11) assets.
4. An explanation for the discrepancy was offered on 25th May 2015, to the effect that two of the assets, being shares in Eveready and Safaricom, had been disposed of prior. The circumstances of the disposal were not addressed by either party, and it would appear that none of the beneficiaries has any issue with it.
5. As the parties appear to be in full agreement with the proposals made in the application dated 4th March 2015, I shall hereby allow it as prayed. For avoidance of doubt, the orders made are as follows:-
 - a. **that following the demise of Paul Mobe Muraga the surviving administrator, John Njoroge Muraga, is hereby confirmed as the sole administrator of the estate of the deceased herein;**
 - b. **that the grant of letters of administration intestate made on 24th September 2014 shall be amended so as to remove the name of Paul Mobe Muraga and an amended grant shall issue in the name of John Njoroge Muraga;**
 - c. **that the amended grant made in this ruling to John Njoroge Muraga is hereby confirmed in the terms proposed in his application dated 4th March 2015;**
 - d. **that the estate of the deceased shall devolve as per the said terms, and a certificate of confirmation of grant shall issue accordingly; and**
 - e. **that there shall be no order as to costs.**

DATED, SIGNED and DELIVERED at NAIROBI this 8TH DAY OF JULY, 2016.

W. MUSYOKA

JUDGE