

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

SUCCESSION CAUSE NO. 2795 OF 1995

IN THE MATTER OF LATE SHADRACK GITHINJI KIBIKU (DECEASED)

RULING

Before me is an application for the grant of letters of Administration issued to John Ruchiri Githinji, Joseph Kibiku Githinji, Henry Kamau Githinji and Paul Kibiku Githinji in this matter on the 13th February 1996 be rectified and or re issued to John Ruchiri Githinji and Henry kamau Githinji. The applicants also seek that no remaining administrator John Ruchiri Githinji and Henry Githinji, be allowed to complete the distribution of the estate. The application is supported by the grounds on the face of the application together with the supporting affidavit of John Ruchiri Githinji then explains the reasons behind the said application.

All the beneficiaries were served. There is a consent dated the 30/7/14 signed by the Beneficiaries' named that they have consented to replace Francis Kariba Githinji consenting to Moses Waithaka Kariba , Shadrack Githinji Kariba and Gracn Wambua Kariba to replace the late father plus there is also a consent by Virginia Wachuka Githinji that the share of 0.500 acres in the state of Shadrack Githini Kabira shall be taken by Fredrick Gathungu Meta There is also the consent of Faith Waithira Githinji. That her share of 0.471 acres.

It is evident that the 2 administrators Joseph Kabira Githinji and Paul Kabira Githinji passed away on the 3/2/14 and 9/11/12 respectively, and that a beneficiary to the estate Francis Kariba Githinji too passed away on the 31/4/10. The death certificates have been attended.

The applicants have shown a detailed affidavit that has not been opposed on the need for rectification. I accept the reasons as once the rectification is done the parties will have what they desire done. I therefore grant the following orders.

1. That the grant of letters of administration issued to John Ruchiri Githinji, Joseph Kibiku Githinji, Henry Kamau Githinji and Paul Kibiku Githinji in the matter on the 13/2/96 shall be rectified and reissued to John Ruchiri Githinji and Henry kamau Githinji.
2. The 2 remaining administrators John Ruchiri Githinji and Henry kamau Githinji are allowed to complete the distribution of the estate.
3. The estate shall be redistributed as deponed at paragraph 17 of the affidavit of the application dated the 30/7/14.

Costs shall be in the cause.

Dated, signed and delivered this 6th Day of February 2015

R. E OUGO

JUDGE

In the presence of: