

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

PROBATE AND ADMINISTRATION DIVISION

SUCCESSION CAUSE NO. 1457 OF 1989

IN THE MATTER OF THE ESTATE OF SIMON NDIINGURI KIIRU (DECEASED)

R U L I N G

1. A grant of letters of Administration to the Estate of Simon Ndinguri Kiiru was given to his two widows, namely Njeri Ndinguri and Wanjiru Ndinguri on 22nd March 1990. Upon the demise of Njeri Ndinguri, her name as Administratrix was replaced by that of her son Gilbert Kiiru Ndinguri. The grant was confirmed on 8th December 1995.
2. In an application dated 26th April 1996, Njambi Ndinguri and Teresia Kabura Ndinguri being children of the house of Njeri Ndinguri, prayed for the revocation of the said grant on grounds that the proceedings were defective and the grant was obtained fraudulently, by concealment of the fact that the applicants were heirs.
3. The court heard presentations from both sides and in a ruling dated 28th November 1996 Githinji J, as he then was, revoked the grant as it related only to the shares of the members of the house of Njeri Ndinguri. The shares of the children of Wanjiru Ndinguri as set out in the certificate of confirmation remained valid.
4. The Applicants were directed to file an affidavit of protest to confirmation of grant restricted to the shares of their brothers and sisters in the house of Njeri Ndinguri.
5. On 30th September 2014 Gilbert Kiiru the Administrator for the shares of the deceased's estate devolving to the house of Njeri Kingori Ndinguri filed an affidavit sworn on 30th July 2013, for the distribution of the remainder of the estate of the deceased. In the stated affidavit the distribution of the property as proposed in 1996 was essentially maintained, with the exception that the name of Ann Njeri Ndinguri was substituted for that of Teresia Kabura, and the name of Paul Komu Karanja was substituted for that of Margaret Njoki Karanja.
6. Anne Njeri Ndinguri is the daughter of Teresia Kabura the daughter to Simon Ndinguri Kiiru (the deceased) who has since demised. Paul Komu Karanja is the son of Margaret Njoki Karanja who was the daughter-in-law to Simon Ndinguri Kiiru (the deceased). Her husband Charles Karanja who was the son of the deceased predeceased her and she herself has since passed on. Consents were filed by other beneficiaries both for the substitution of the said names, and for the distribution of the remainder of the estate.
7. That being the matrix of this succession cause it therefore pleases me to order that:
 1. The Grant of Letters of Administration to the remainder of the estate of **Simon Ndinguri Kiiru** be confirmed with regard to the house of **Njeri Ndinguri**.
 2. The remainder of the estate of the deceased be distributed in accordance with paragraph 7 (seven) of the supporting affidavit dated 30th July 2013 to the beneficiaries in the house of Njeri Ndinguri.

It is so ordered.

SIGNED DATED and **DELIVERED** in open court this **3rd day** of **March 2015**.

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L. A. ACHODE

JUDGE