



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 2191 OF 2010**

**IN THE MATTER OF THE ESTATE OF NGARUIYA KINUTHIA NGINYA (DECEASED)**

**RULING**

1. The application dated 16<sup>th</sup> October 2010 seeks rectification of the grant issued on 7<sup>th</sup> April 2011 and confirmed on 26<sup>th</sup> November 2012. The basis for the proposed distribution is that there were four (4) assets had that been left out of the confirmation.
2. The grant made on 7<sup>th</sup> April 2011 was to two administrators, yet only one of them is party to the application dated 16<sup>th</sup> October 2013. There is no evidence that the other administrator is aware of the said application, nor that he has consented to it.
3. I note that the applicant administrator proposes that the four (4) omitted assets be included in the distribution and thereafter devolve wholly upon her. There are other survivors, yet there are no consents executed by the said survivors to support the proposed devolution.
4. I will not allow the application dated 16<sup>th</sup> October 2013. Instead, I shall direct the applicant to fix the application for hearing on a date at which all the survivors of the deceased should attend.
5. It is so ordered.

**DATED, SIGNED and DELIVERED at NAIROBI this 3<sup>rd</sup> DAY OF October 2014.**

W. MUSYOKA

**JUDGE**

**In the presence of Mr. Njuguna for advocate for the applicant.**