

REPUBLIC OF KENYA

High Court at Nairobi (Nairobi Law Courts)

Succession Cause 2092 of 1998

IN THE ESTATE OF MIRURU KIMOTHO– (DECEASED)

RULING

The application of 19th September 2012 seeks the appointment of an administrator to replace the grant holders who are now dead.

I have perused this file and noted that the grant made to Miriam Njeri Rufus Miruru and Benjamin Methu Miruru was revoked by consent on 28th February 2007. No fresh appointments were made and the estate has remained without an administrator since then.

It is proposed that Jane Wanjiku Mutua be appointed administrator. She is a daughter in law of the deceased. Usually, in-laws are in the lower ranks of priority so far as appointment as administrator is concerned. **Section 66 of the Law of Succession Act** gives priority to the blood relations of the deceased. I note, however, that all the close blood relatives of the deceased have consented to this proposed appointment.

I note that the estate is partially administered. What remains is distribution of the assets. There would be no merit in making a full grant. It is preferable that the grant made at this stage be limited to completion of administration. I therefore hereby appoint Jane Wanjiku Mutua administrator of the estate of and the personal representative of Rufus Miruru Kimotho (deceased). A grant of letters of administration *de bonis non* shall issue upon the said Jane Wanjiku Mutua.

It is so ordered.

DATED, SIGNED and DELIVERED at NAIROBI this 9th DAY OF May, 2013.

W. M. MUSYOKA

JUDGE