



REPUBLIC OF KENYA



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In re Estate of the Late Lucy Wairimu Karanja - Deceased (Succession Cause 172 of 2010) [2025] KEHC 14009 (KLR) (7 October 2025) (Ruling)

Neutral citation: [2025] KEHC 14009 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 172 OF 2010
RN NYAKUNDI, J
OCTOBER 7, 2025**

**IN THE MATTER OF
PETER KARANJA GITHINJI APPLICANT**

RULING

1. Before this court for determination is summons for confirmation of Grant brought under the provisions of Section 71(3) of the Law of Succession Act and Rule 40(2) of the Probate and Administration Rules. The applicant seeks orders as follows:
 - a. The Grant of letters of administration intestate issued to the applicant by this Honourable Court in this cause on the 14th December, 2010 be confirmed.
 - b. The Honourable Court be pleased to hear this application.
 - c. Costs of this application be in the cause.
2. The summons is anchored on grounds that this cause was reinstated by this Honourable Court by its order of 26th February, 2025; that the period of six months has required by law has lapsed and there are no pending disputes. That the petitioners have agreed on the mode of distribution.
3. The parties proposed that the only property left by the deceased known as Eldoret Municipality Block 21 (King'ong'o)/1718 be allocated to Peter Karanja Githinji as whole. The said proposal was accompanied by an executed consent from all the beneficiaries, allowing their father to be the sole beneficiary for the said land.

Analysis and determination

4. I have carefully considered the summons herein, the supporting affidavit, and the documents filed on record, including the consent executed by all the beneficiaries of the estate of the late Lucy Wairimu Karanja.



5. Section 71(3) of the *Law of Succession Act* dictates that where a period of six months has elapsed from the date of the first grant and there are no pending disputes, the court may confirm the grant upon application by the personal representative. Rule 40(2) of the Probate and Administration Rules further provides the procedural framework for such confirmation. There must be consent of the beneficiaries for the confirmation of a grant and in this case the consent was duly signed for purposes of adopting the proposed mode of distribution.
6. In the present case, the grant of letters of administration intestate was issued to the applicant on 14th December, 2010, and the cause was subsequently reinstated by order of this court dated 26th February, 2025. The statutory period of six months has long elapsed, and no disputes have been brought to the attention of this court.
7. More significantly, all the beneficiaries of the estate have consented in writing to the proposed mode of distribution, whereby the sole property of the deceased, being Eldoret Municipality Block21 (King'ong'o)/1718, shall be allocated entirely to Peter Karanja Githinji. The consent of all beneficiaries demonstrates unanimity and removes any potential for future disputes arising from the distribution.
8. Having found that all the legal requirements have been met, that the statutory period has elapsed, that there are no pending disputes, and that all beneficiaries have consented to the proposed distribution, I am satisfied that this application is merited.
9. Accordingly, the property known as Eldoret Municipality Block21 (King'ong'o)/1718 shall be allocated to Peter Karanja Githinji absolutely, in accordance with the consent of all beneficiaries. A Certificate of Confirmation of Grant shall be extracted and issued in the terms set out herein and as proposed in the summons, reflecting the distribution of the said property to Peter Karanja Githinji. As a consequence, there is merit in the summons for confirmation of grant dated 30th June 2025.

DELIVERED, DATED AND SIGNED AT ELDORET ON THIS 7TH DAY OF OCTOBER, 2025

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R. NYAKUNDI
JUDGE

