



**THE REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 1341 OF 2014**  
**IN THE MATTER OF THE ESTATE OF KANYOIKE KIBOO**  
**(DECEASED)**

**PETER KIRURI MUMBWA .....**

**APPLICANT/CREDITOR**

**VERSUS**

**JOHN KIBOO .....**

**RESPONDENT/ADMINISTRATOR**

**RULING**

1. This ruling relates to the summons dated **2<sup>nd</sup> February, 2021** filed by the Applicant Peter Kiruri Mumbwa, seeking for **ORDERS THAT:-**

**1. The grant of letters of administration intestate made to the Petitioner, John Kiboo, in this matter on 14<sup>th</sup> September, 2017 be confirmed in compliance with the court order given on 8<sup>th</sup> April, 2020.**

**2. The Deputy Registrar of the High Court Family Division be authorized to execute all transfer forms LRA 42, LRA 63, application for land control board consent and all related**

**documents for Title No. Kiganjo/Kiamwangi/599 in lieu of John Kiboo, the administrator herein, who is uncooperative.**

**3. The land Registrar, Kiambu Lands office, be ordered to dispense with the production of the original Title No. Kiganjo/Kiamwangi/599 and register transfer forms LRA 39, LRA 42, LRA 33, LRA 63, application for land control board consent and all related documents in the above title.**

**4. The costs of this application be in the cause.**

2. The application is based on the grounds thereof and supported by affidavit sworn by Peter Kiruri Mumbwa on **2<sup>nd</sup> February, 2021.**
3. He avers *inter alia* that a grant of letters of administration in respect of the estate was issued to John Kiboo on **17<sup>th</sup> September, 2017.**
4. This court (Achode J, as she then was) on 8<sup>th</sup> April 2020 found that the Applicant was a beneficiary to the estate courtesy of the proceedings at Kiambu PMCC No. 20 of 1990.
5. The court directed the Respondent to apply for confirmation of grant afresh so as to bring in the Applicant. The Respondent failed to do so hence this application.
6. The Respondent though served failed to file any response.
7. The Applicant has filed written submissions dated **4<sup>th</sup> June, 2025.**

8. I have carefully read the submissions and the entire record herein and in particular the ruling of this court dated 8<sup>th</sup> April 2020 and I do find that the Respondent for close to five years deliberately failed to comply forcing the Respondent to file the current application. If the Respondent desired to object to the above ruling of the court, he would have appealed against it or apply to have it reviewed.
9. Consequently, the Applicant must be allowed to enjoy the fruits of the decree issued in the Kiambu court in 1990.
10. **The application is allowed and I direct that:-**
  - (a) **The grant of letters of administration issued to John Kiboo on 14<sup>th</sup> September 2017 are hereby confirmed.**
  - (b) **Land parcel number Kiganjo/Kiamwangi/599 be sold by public auction and out of the proceeds a sum of Kshs. 2,500,000 be paid to the Applicant and the balance be released to the Respondent.**
  - (c) **The Deputy Registrar of this court shall execute all the transfer documents in the event that the Respondent does not.**
  - (d) **The County Land Registrar Kiambu lands is hereby directed to dispense with the production of original title deed for land parcel number Kiganjo/Kiamwangi/599.**
  - (e) **Costs of this application to the Applicant.**

**Dated signed and delivered via video link at Nairobi  
this 20<sup>th</sup> day of November 2015.**

**H K CHEMITEI**  
**JUDGE**