

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MILIMANI**  
**FAMILY DIVISION**  
**PROBATE & ADMINISTRATION CAUSE E427 OF 2025**

***IN THE MATTER OF THE ESTATE OF NGUGI KIMANI (DECEASED)***

**FELISTER NJERI NGUGI ..... PETITIONER**

**RULING**

1. The Deceased herein passed away intestate on 16 April 2018 in Kiambu County. The Petitioner has presented a Petition for Letters of Administration *ad colligenda bona* under sections 54 and 67 of the Law of Succession Act. The same is presented in her capacity as the widow of the Deceased.
2. The Petition is supported by an Affidavit sworn by the Petitioner, in which she avers that the Deceased was the registered proprietor of property known as EASTLEIGH LR NO. 36/III/1252. The Petitioner would like the said Grant to issue to her limited for purposes of applying for the reconstruction of the Land Register/Folio No. 127/11, Volume No. 17 relating to the said parcel of land, at the Lands Registry. Attached to the Affidavit is a copy of an Application for Official Search of the said parcel of land, bearing an endorsement by the Land Registrar requesting an indemnity to enable the office reconstruct the missing file.

3. Further, the Petitioner has provided a copy of letter dated 10 January 2025 from the Chief, Ngurweni Location, confirming that she is the widow of the Deceased.
4. It is noteworthy that since the passing of the Deceased herein in 2018, no succession proceedings have been instituted in respect of the estate.
5. Sections 54 and 67 (1) of the Law of Succession Act, Cap 160 of the Laws of Kenya and Rule 36 of the Probate and Administration Rules provide the circumstances under which a Special Limited Grant may be issued by the Court.

*(54) A court may, according to the circumstances of each case, limit any grant of representation which it has jurisdiction to make, in any of the forms described in the Fifth Schedule to this Act.*

*(67) (1) No grant of representation, other than a Limited Grant for Collection and Preservation of Assets, shall be made until there has been published notice of the application of such grant, inviting objections thereto to be made known to the court within a specified period of not less than thirty days from the date of publication, and the period so specified has expired.*

*(36)(1) Where, owing to special circumstances the urgency of the matter is so great that it would not be possible for the*

*court to make a full grant of representation to the person who would by law be entitled thereto in sufficient time to meet the necessities of the case, any person may apply to the court for the making of a grant of administration ad colligenda bona defuncti of the estate.*

6. I have considered the Application and Affidavit. In order to preserve the assets of the estate, I grant the Letters of Administration *ad colligenda bona* which shall be limited to the reconstruction of the Land Register/Folio No. 127/11, Volume No. 17 in respect of Eastleigh LR No. 36/III/1251.
7. Costs shall be borne by the estate.

**DATED AND DELIVERED AT NAIROBI THIS 21 DAY OF NOVEMBER 2025**

**HELENE R. NAMISI**

**JUDGE**

Delivered on virtual platform in the presence of:

For Petitioner: Ms. Njoroge h/b Mary Muigai

Court Assistant: Lucy Mwangi