



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
FAMILY DIVISION
SUCCESSION CAUSE NO. 1333 OF 2007
IN THE MATTER OF THE ESTATE OF PATRICK MUTHEKE
NDETI (DECEASED)

ESTHER NGONDU NDETI 1ST

APPLICANT

PATRICK MUTHEKE NDETI 2ND

APPLICANT

RULING

1. The amended summons before the Court is dated 1 July 2025. The applicants seek orders that the administrator of the estate, **Idah Ndinda Ndeti**, be replaced by **Esther Ngondu Ndeti** and **Alex Kiilu Ndeti**.
2. The application is supported by a joint affidavit sworn by the applicants. They depose that the grant of letters of administration intestate was issued to the said Idah Ndinda Ndeti, the widow of the deceased, on 14th June 2007. She subsequently passed away on 25th August 2012. The applicants state that they are the surviving children of the deceased.

3. They further aver that a written consent to the proposed appointment has been filed, including the consent of another surviving son, Christopher Musya Ndeti.

Determination

4. I have read and considered the summons and the entire record of the court. The issue for determination is whether the applicants have met the legal threshold for the replacement of the deceased administrator.
5. Upon the death of the administrator, Idah Ndinda Ndeti, there remained no administrator capable of acting on behalf of the estate.
6. Under section 81 of the Law of Succession Act, where there are several administrators, the powers and duties of administration vest in the survivors. The converse is that where a sole administrator dies, the grant cannot remain operative, as there is no surviving holder of representation.
7. Section 76(e) of the Act empowers the court to revoke a grant where it has become useless and inoperative through subsequent circumstances. The death of the sole administrator is one such circumstance. Furthermore, representation is personal to the administrator and does not pass to his or her estate.

8. In the present case, the original administrator having died, the grant issued to her cannot continue to subsist. The estate is presently unrepresented.
9. The applicants have described themselves as surviving children of the deceased and have placed before the Court a consent from another beneficiary supporting the proposed appointment. In terms of section 66 of the Act, they rank in priority for appointment.
10. I am therefore satisfied that sufficient cause has been shown. Accordingly, the grant issued to Idah Ndinda Ndeti on 14th June 2007 is hereby revoked under section 76(e) of the Act. A fresh grant of letters of administration intestate shall issue to Esther Ngondu Ndeti and Alex Kiilu Ndeti. Costs be in the cause.

Orders accordingly.

**DATED and DELIVERED at NAIROBI this 10th day of February
2026.**

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E.K. OGOLA
JUDGE

In the presence of:

Mr. Muindi..... for
the Applicants

Gisiele Muthoni Court Assistant

ORIGINAL