



REPUBLIC OF KENYA



**In re Estate of the Late Peter Thuo Murugah (Deceased) (Succession Cause E116 of 2023) [2026] KEHC 4531 (KLR) (25 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4531 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
SUCCESSION CAUSE E116 OF 2023  
DO CHEPKWONY, J  
MARCH 25, 2026**

**IN THE MATTER OF THE ESTATE OF THE LATE PETER THUO MURUGAH (DECEASED)**

**RULING**

1. For determination before this court is the Summons for Confirmation of Grant dated 28<sup>th</sup> July, 2025 brought by the Administratrix Lucy A. Wambui Kamau seeking the following orders:-seeks:-
  - a. That the Grant of Letters of Administration Intestate made to the said Lucy A. Wambui Kamau in this matter, on 17<sup>th</sup> May, 2024 to be confirmed.
  - b. That the estate of the deceased be distributed in accordance with the proposed mode of distribution set out in the annexed affidavit in support of summons for confirmation of grant.
  - c. That the costs of this application be in the cause.
2. The application is supported by the affidavit sworn by Lucy A. Wambui Kamau the Administratrix sworn on 28<sup>th</sup> July, 2025 alongside the annexed Consents by the Beneficiaries in the Estate of Late Peter Thuo Murugah, to confirm Confirmation of Grant, a full inventory of all the assets and liabilities of the deceased as at the time of his death on 25<sup>th</sup> December, 2022 and a proposed Mode of Distribution of the said Estate of the Deceased.
3. In consideration of the said application, I have perused the record and established that this is an Intestate Succession in that the Deceased died without leaving a Will and the Petitioner then petitioned for the Grant of Letters of Administration Intestate. The Grant was issued on 17<sup>th</sup> October, 2024 to the Administratrix, being the wife of the Deceased, wherein she was granted the authority to manage the Estate of the Deceased, Late Peter Thuo Murugah. This application was then published in the Kenya Gazette on 25<sup>th</sup> March, 2025 inviting anyone who might have an objection on the same to lodge the same in court within thirty (30) days from the date of publication.
4. It is worth noting that no objection was raised against the application for Grant of Letters of Administration by anyone and at the lapse of thirty (30) days, the Petitioner was granted the Letters of Administration Intestate where she was made personal representatives of the Estate of the Deceased



with power to deal with the property/assets and liabilities of the Deceased's Estate in the manner provided for under Section 83 of the *Law of Succession Act* Cap 160 of the Laws of Kenya.

5. Upon the lapse of six (6) months after the issuance of Letters of Administration, the Petitioner then filed an application (Summons) for Confirmation of Grant dated 28<sup>th</sup> July, 2025 to enable her distribute the deceased's Estate amongst the beneficiaries.
6. The Summons for Confirmation of Grant was fixed for hearing on 22<sup>nd</sup> January, 2026 and 5<sup>th</sup> March, 2026 in open court, on which dates the court proceeded to read out and explain the Grant and its full particulars to the Administrator and Beneficiaries in English language which they all confirmed they understood in open court. The beneficiaries were physically present and an indication of their respective relationship with the Deceased was confirmed as follows: -
  - a. Lucy Wambui Kamau (ID No. 84XXXX36) –Widow
  - b. Vincent Murugah Thuo (ID No.27XXXX43) –Son
  - c. Mercy Wairimu Thuo (ID No.32XXXX26) – Daughter
  - d. James Kamau Thuo (ID No. 33XXXX30) -Son
  - e. Grace Wanjiku Thuo ID No. 42XXXX15 - Daughter
  - f. Rosalia Wanjiru Thuo ID No. 25XXXX50 – Daughter
7. The court also went ahead and examined the Administratrix and each Beneficiary so as to verify their respective identities, relationship with the Deceased, their views on the appointment of the personal representative/ Administratrix, the identified and listed properties or assets and liabilities of the Deceased's Estate and proposed mode/plan of distribution of the said Estate amongst the beneficiaries to confirm their sentiments on the same. Of significance, all the beneficiaries confirmed and freely affirmed their Consent without raising any objection to the Confirmation of Grant on the assets and mode of distribution as properly identified and set out at Paragraph 5 of the Affidavit, by the Administratrix.

### **Determination**

8. Having examined all the Administrator and Beneficiaries of the Deceased's Estate, the court has also read through the pleadings and documents on record and finds the issue for determination being whether the Administratrix has met the threshold set for Confirmation of Grant of Letters of Administration Intestate.
9. In this case, the court confirms that the appointed Administratrix of the Deceased's Estate has filed an Affidavit sworn on 28<sup>th</sup> July, 2025 and the Supplementary Affidavit sworn on 23<sup>rd</sup> October, 2023. in support of the Summons of Confirmation of Grant.
10. In this affidavit sworn on 28<sup>th</sup> July, 2025, the Administrator/Applicant has confirmed that she was appointed as such vide a Gazette Notice No. 12233 of 25<sup>th</sup> March , 2024. She also identified the Beneficiaries who are not Administrators, as being children of the Deceased at Paragraph Two (2) of the Supporting Affidavit, identified the assets of the Deceased's Estate and set out each beneficiaries' share and mode of distribution of the said Estate at Paragraph Five (5) thereof.
11. The process of Confirmation of Grant is set out under Section 71 of the Law of Succession which provides as follows:-

71. Confirmation of Grants



- (1) After the expiration of a period of six months, or such shorter period as the court may direct under subsection (3), from the date of any grant of representation, the holder thereof shall apply to the court for confirmation of the grant in order to empower the distribution of any capital assets.
- (2) Subject to subsection (2A), the court to which application is made, or to which any dispute in respect thereof is referred, may-
  - (a) if it is satisfied that the grant was rightly made to the Applicant, and that he is administering, and will administer, the estate according to law, confirm the grant; or
  - (b) if it is not so satisfied, issue to some other person or persons, in accordance with the provisions of Sections 56 and 66 of this Act inclusive, a confirmed grant of letters of administration in respect of the estate, or so much thereof as may be unadministered; or
  - (c) order the Applicant to deliver or transfer to the holder of a confirmed grant from any other court all assets of the estate then in his hands or under his control; or
  - (d) postpone Confirmation of the Grant for such period or periods, pending issue of further citations or otherwise, as may seem necessary in all the circumstances of the case:

Provided that, in cases of intestacy, the grant of letters of administration shall not be confirmed until the court is satisfied as to the respective identities and shares of all persons beneficially entitled; and when confirmed the grant shall specify all such persons and their respective shares.

12. The principle purpose of confirming the grant is to pave way for the distribution of assets. The provisions of Subsection 2(1) of Section 71 states that “the court be satisfied as to whether the Administrator had properly ascertained all the persons beneficiary entitled to share in the Estate and properly identified the share due to them”. Furthermore, the Section requires that where a Grant of Letters of Administration has been made previously, the court must be satisfied that the person to whom the grant was made was properly appointed and is fit and willing to administer the Estate according to the law before confirming the grant.
13. By dint of these provisions in the *Law of Succession Act*, the court will proceed to confirm a grant if satisfied that the grant was rightly made and the Administrators/Administratrix is ready, able and will administer the Estate in accordance with the law, and may refuse/decline to confirm or issue a Confirmed Grant to some other person(s) if so warranted by the circumstances.
14. Also, the court has confirmed that all the Beneficiaries of the Deceased’s Estate signed and filed a Consent in which they have confirmed their agreement to the listed assets/properties alongside a proposed mode or plan of distribution of the Deceased’s Estate as set out at Paragraph Five (5) of the said Supporting Affidavit.
15. For transparency and fair administration of justice, the Beneficiaries to the Estate of the Deceased were notified of the Summons for Confirmation of Grant and they all attended court where they were examined on oath to confirm that they were in agreement with the Confirmation of Grant and mode of distribution, there is no competing claim or allegation of misappropriation, there is no pending



claim for revocation or material irregularity on the face of the record which would ordinarily justify the court to withhold the Confirmation of Grant.

16. In view of the aforementioned, the Court is satisfied that the Administratrix has demonstrated her readiness and competence to complete the administration of the Deceased's Estate. Therefore, where the entire family is in agreement on the appointment of Administratrix, assets listed and mode of distribution, it would defeat the purpose and spirit expressed under Section 71 (supra) which emphasizes that Probate proceedings be facilitated efficiently, and without delay, to withhold the Confirmation of Grant as sought for by the Administratrix.
17. All in all, this court is satisfied that the Petitioner has met the legal threshold set out under the provisions of Section 71 of the Law of Succession Act by following the requisite steps and filing all the required documents in compliance thereof.
18. And there being no pending application by any person(s) seeking to protest the Summons for Confirmation of Grant, this Court proceeds to allow the same and order that:-
  - a. That the Grant of Letters of Administration Intestate made to the said Lucy A. Wambui Kamau in this matter, on 17<sup>th</sup> May, 2024 to be confirmed.
  - b. The Petitioner be and is hereby appointed as personal representative of the Estate of Late Peter Thuo Murugah) to manage and distribute the assets and liabilities, (if any) thereof.
  - c. A Certificate of Confirmation of Grant to issue as per the Schedule in the Affidavit in support of the Summons for Confirmation of Grant.
  - d. Being a family matter, there shall be no order as to costs.

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS 25<sup>TH</sup> DAY OF MARCH, 2026. (UPLOADED VIA ELECTRONIC MAIL)**

**D. O. CHEPKWONY  
JUDGE**

