



**In re Estate of the Late Job Kagombe Nguni - Deceased (Succession Cause 21B of 1983) [2025] KEHC 416 (KLR) (24 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 416 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
SUCCESSION CAUSE 21B OF 1983  
JRA WANANDA, J  
JANUARY 24, 2025**

**IN THE MATTER OF THE ESTATE OF THE LATE JOB KAGOMBE NGURE - DECEASED**

**IN THE MATTER OF**

**DAVID KIBUTHA NGURE ..... 1<sup>ST</sup> APPLICANT**

**SAMUEL IKINDU NGURE ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. The deceased, Job Kagombe Nguni died on 31/07/1983. On 8/09/1983, one Sylvia Wamboi Nguni, claiming as widow of the deceased, through Messrs A.G.N. Kamau, Advocates, petitioned for Grant of Letters of Administration Intestate in respect to the estate of the deceased. However, on 27/10/1983 before the Petition could be determined, one Dorcas Wairimu Nguni, through Messrs Ndegwa Advocate, claiming as the mother of the deceased, filed an Objection to the Petition claiming that she was a dependent of the deceased and that the Petitioner was at the death of the deceased separated from the deceased. Luckily, the two parties reached a compromise when by the consent recorded on 1/03/1985 before Hon. V.V. Patel J, they were appointed as joint Administrators and also fully distributed the estate between the two of them.
2. From the records, the two parties later disagreed when the said Dorcas Wairimu Nguni, then represented by Messrs Kalya & Co. Advocates, accused the Sylvia Wamboi Nguni of frustrating or failing to implement the distribution recorded by consent. The Court agreed and even allowed execution to proceed against Sylvia Wamboi Nguni. The original file then appears to have disappeared and a skeleton file was constructed in July 1990. For this reason, not much of what transpired between 1985 and 1990 is discernible from the record. Not even copies of the Grant of Letters of Administration and the Certificate of Confirmation of the Grant are in the Court file.
3. Be that as it may, what is before Court for determination is the Chamber Summons dated 12/04/2024 filed by the Applicants in person. They pray for orders as follows:



1. That Dorcas Wairimu Ngure be substituted by the Applicant as an Administrator of the estate of the late Job Kagombe
2. That the costs of this Application be in the Cause.
4. I may however mention that the Application and the Supporting Affidavit are only signed by the 1<sup>st</sup> Applicant and the spaces left to be signed by the 2<sup>nd</sup> Applicant remain blank.
5. In the Affidavit, it is deponed that the Applicants are the sons of the said Dorcas Wairimu Ngure who was appointed a co-Administrator herein vide the Certificate of Confirmation of Grant dated 19/09/1996 but who passed away in 1997.

### **Response to the Application – Replying Affidavit by David N. Ndungu**

6. The Application is opposed vide the Replying Affidavit sworn by one David N. Ndungu handed over to the Court on 30/07/2024. The same is filed through Messrs Ngigi Mbugua & Co. Advocates. I say “handed over” because it transpired that up to that date, the matter had not yet been mapped into the Court Tracking System (CTS) and the parties were therefore, through no fault of their own, unable to file their pleadings online as is now the procedure. For this reason, I agreed to receive the said Replying Affidavit and also other pleadings in open Court but directed the parties to still formally file the same in the CTS. I however cannot trace the pleadings in the CTS and doubt whether the same were filed therein as directed. Nevertheless, in the interest of justice, I will still admit the same as properly on record but again remind the parties to formally file their pleadings in the CTS as earlier directed.
7. Although I have not come across the Notice of Appointment filed by Messrs Ngigi Mbugua & Co. Advocates, from the title and the manner in which the said Replying Affidavit is framed, and from the style in which Mr. Ngigi Mbugua Advocate has consistently introduced himself during taking of the coram, it appears that his said law firm is also acting for other persons herein named as Philip K. Kimani, Bernard M. Kamau and Job Estate Plot Owners and described as Objectors.
8. In the Replying Affidavit, the said David Nganga Ndungu deponed that he swears the Affidavit as a purchaser for value of a 50 x 100 (1/8) acre plot purchased within parcel (No 18) Olare Settlement Scheme No 48 which was the only property left behind for the 2 Administrators. He deponed further that Dorcas Wairimu Ngure died on 26/01/1997 aged 77 years upon which the same Applicants as herein petitioned for Grant of Letters of Administration over her estate in Eldoret High Court Succession Cause No 90 of 1998, that he and other purchasers filed their objections therein and the Court issued a Grant recognizing the purchasers’/Objectors interests vide the Certificate of Confirmation of Grant issued on 22/05/2007.
9. He deponed further that the last Ruling in Eldoret High Court Succession Cause No 90 of 1998 was delivered by Hon. R. Nyakundi J on 24/04/2023 dismissing an Objection which had been preferred by a grandson. According to him therefore, the only role left for the Applicants in Eldoret High Court Succession Cause No 90 of 1998 is for them to transfer the various portions of the suit land Olare Settlement Scheme 48 (now renamed to LR Uasin Gishu/Burnt Forest/48) to the beneficiaries named in the Certificate of Confirmation of Grant. He averred further that the purchasers number about 129 and have all developed their portions but have been in limbo from 1999 to date. He contended further that contrary to the allegation made in the Application, the same was filed without the 2<sup>nd</sup> Applicant’s knowledge and is a scheme by the 1<sup>st</sup> Applicant to punish the heirs and purchasers for no good reason. He further deponed that he and the other purchasers learnt of the Application by chance upon which they rushed to the Chief, Burnt Forest Township Location who gave them an introduction letter to the Court. In conclusion, he deponed that he and his fellow purchasers read malice and ill-motive in the



instant Application for the reason that it was meant to mislead the Court, it concealed the existence of Eldoret High Court Succession Cause No 90 of 1998, it was not served upon all the interested parties and it was made secretly and in a file that is officially closed.

### **Response to the Application – Replying Affidavit by Celestine Wanjiru Ngure**

10. There is also a Replying Affidavit sworn by one Celestine Wanjiru Ngure on 18/06/2024 and filed through Messrs Daisy Chepkurui & Co. Advocates. The said law firm's Notice of Appointment indicates that, in addition to the said Celestine Wanjiru Ngure, the said law firm is also acting for one Brian Mbugua.
11. In the Affidavit, the said Celestine Wanjiru Ngure deponed that she is one of the beneficiaries of the estate herein vide the Certificate of Confirmation of Grant issued on 19/09/1986, that both the Administrators, Sylvia Wambui Ngure and Dorcas Wairimu Ngure are now dead (both in 1997) without having completed the administration of the estate. She deponed further that the Administrators of Sylvia Wambui Ngure were appointed by the Court in Eldoret High Court Succession Cause No 221 of 1998 and they were the deponent (Celestine Wanjiru Ngure) and Brian Mbugua, who are daughter and grandson, respectively, of the late Sylvia Wambui Ngure. She then deponed that they have no objection to the substitution of the late Dorcas Wairimu Ngure as sought in the instant Application but also pray that the late Sylvia Wambui Ngure, too, be substituted as Administrator herein with the Administrators of her own estate (Celestine Wanjiru Ngure and Brian Mbugua).
12. It is in the exhibits to this Affidavit that I have for the first time come across a copy of the Grant of Letters of Administration dated 1/03/1985 and also copy of an apparently incomplete copy of the Certificate of Confirmation of Grant. It is not however not clear whether it is dated 19/09/1986 or 19/09/1996.

### **Hearing of the Application**

13. It was then agreed that the Application be canvassed by Written Submission. Pursuant thereto, the Applicants filed their Submissions on 14/08/2024, the said David Ndungu filed hers dated 29/08/2024 while the said Celestine Wanjiru Ngure filed on 13/09/2024.
14. I may also mention that on 26/09/2024, Mr. Ngigi Mbugua Advocate reiterated that the 2<sup>nd</sup> Applicant, Samuel Ikindu Ngure had disowned the Application and denied being a party thereto. However, although this might as well be true, since this statement did not come from the 2<sup>nd</sup> Applicant himself whom Mr. Ngigi Mbugua does not also represent, I have no justification to formally adopt it. I may however reiterate my earlier observation that indeed, the Application and the Supporting Affidavit thereto are themselves only signed by the 1<sup>st</sup> Applicant and the spaces left to be signed by the 2<sup>nd</sup> Applicant remain blank.
15. To enable me appreciate the matter in context, I also called for and perused the Court file in Eldoret High Court Succession Cause No 90 of 1998, Estate of the late Dorcas Wairimu Ngure, which has featured prominently in the Replying Affidavit of David N. Ndungu.

### **Applicant's Submissions**

16. Like the Application and the Supporting Affidavit thereto, the Applicants' Submissions is similarly only signed by the 1<sup>st</sup> Applicant thus lending credence to Mr. Ngigi Mbugua's assertion that the 2<sup>nd</sup> Applicant had indeed denied being party to the Application.



17. Be that as it may, the 1<sup>st</sup> Applicant submitted that he relies on Section 76 of the [Law of Succession Act](#) which provides for revocation or annulment of a Grant, including situations where the Administrator has died and the Grant has become useless and inoperative. He further referred to Rule 73 of the [Probate and Administration Rules](#) which he submitted, empowers the Court to make orders as may be necessary to meet the ends of justice, which includes the substitution of an Administrator to ensure the proper administration of the estate. He submitted further that the Applicant is the son of the deceased Administrator and is therefore a beneficiary and a person with a legitimate interest in the estate making him a suitable candidate for substitution as Administrator. He then cited the case of [In the matter of the estate of G K K \(Deceased\)](#) [2020] eKLR, the case of [In the matter of the estate of Alice Mumbua Mutua \(Deceased\)](#) [2017] eKLR and the case of [In the matter of the estate of Stephen Ngugi Gatuna \(Deceased\)](#) [2016] eKLR.
18. According to him, the death of the Administrator has left the estate without an Administrator which has stalled the ongoing administration process and that this may result in prejudice to the beneficiaries and creditors

**Submissions filed on behalf of David N. Ndungu by Ngigi Mbugua & Co.**

19. Counsel for David N. Ndungu, and presumably also for the other persons cited as purchasers/ Objectors, reiterated that the same Applicants herein had petitioned for Grant of Letters of Administration over the estate of Dorcas Wairimu Ngure in Eldoret High Court Succession Cause No 90 of 1998 and that the Court had in that matter recognized the Objectors interests as purchasers of the parcel of land known as Olare Settlement Scheme No 48. He then cited Section 81 of the [Law of Succession Act](#) and submitted that what is envisaged therein is that in the event of the death of one or more joint Administrators where there are several Administrators, the surviving Administrator(s) would then have the mandate to continue with their duties to completion without the need to replace the deceased ones. He cited the case of [Re Estate of Mwangi Mugwe alias Elieza Ngware \(deceased\)](#) [2003] eKLR and also the case of [Re Estate of Chemwok Chemitei \(deceased\)](#) [2021] eKLR reiterated in the case of [Florence Okutu Nandwa & another v John Atemba Kojwa](#), Kisumu Civil Appeal No 306 of 1998.
20. According to him therefore, the instant Application is untenable and that since the Court in Eldoret High Court Succession Cause No 90 of 1998 had recognized the Objectors interests as purchasers, the only role left for the Applicants in this Cause is for them to transfer the various portions in the said property to the beneficiaries.

**Submissions filed on behalf of Celestine Wanjiru Ngure by Daisy Chepkurui & Co.**

21. Counsel submitted that the said Celestine Wanjiru Ngure and Brian Mbugua stepped into the shoes of the late Sylvia Wambui Ngure who was the widow of the deceased and that, together with the Applicants, they should take over the position of the two deceased Administrators. She contended that they seek the Administrators to execute transmission documents to give effect to the Certificate of Confirmed Grant. She, too, cited Section 81 and 76(e) of the [Law of Succession Act](#) and also the case of [Joel Rukwaro Thuku \(Deceased\)](#) [2018] eKLR. She then submitted that although the Applicants had brought the Application under the wrong provision of law, such defect is curable under the provisions of Article 159(1) of the [Constitution](#) and also Section 66 of the [Law of Succession Act](#) under which the Court is empowered to even appoint an Administrator suo moto.



## Determination

22. The issue that arises for determination in this matter is “whether a new Administrator or Administrators should be appointed or substituted to replace both the two now deceased Administrators, and if so, whether the persons proposed herein should be so appointed.”
23. As aforesaid, Sylvia Wambui Ngure, as the widow of the deceased, and Dorcas Warimu Ngure, as the mother of the deceased, were in 1985 appointed, to be the two joint or co-Administrators of the estate of the deceased. Unfortunately, both died 12 years later in 1997 and since then there has been no Administrator over the estate. According to the Applicants, by the time of their death, the two late co-Administrators had not yet concluded distribution of the estate. Now, 27 years later, I am asked to substitute the dead Administrators. In respect to the prayer for substitution of Sylvia Wambui Ngure, there is the instant Application, while in respect to substitution of Dorcas Wairimu Ngure, there is no formal Application and the same is sought vide a Replying Affidavit. Since however, no objection has been raised as regards the regularity or lack thereof, of seeking the order without a formal Application, I will overlook that issue and deem the prayer as properly placed before Court for determination.
24. Regarding the Application, the indication is that there are two Applicants. However, the prayer for substitution as Administrator does not expressly specify which of the two Applicants is the one proposed for appointment. As aforesaid however, it was informally alleged by the opposing Counsel, Mr. Ngigi Mbugua, that the presumed 2nd Applicant, Samuel Ikundu Ngure, has disowned the Application and stated that he was never a party thereto as the Application was filed without his consent. As further stated, this claim is lent credence to by the fact that only the 1st Applicant signed the Application, the Supporting Affidavit thereto and the Applicant’s Submissions. For these reasons, I presume that only the 1st Applicant, David Kibutha Ngure, is interested in being appointed as the substitute Administrator.
25. In summary therefore, the prayers for substitution of the two deceased co-Administrators, the only Administrators appointed herein, is as follows:

<i>Deceased Administrator</i>	Proposed replacement/substitute
<i>The late</i> Dorcas Wairimu Ngure (mother of the deceased)	David Kibutha Ngure
The late Sylvia Wambui Ngure (widow of deceased)	Celestine Wanjiru Ngure
	Brian Mbugua

26. One David Ndungu, represented by Mr. Ngigi Mbugua Advocate, has opposed the Application and/or prayers for substitution of the Administrators. His ground for opposing the Application, as I understand it, is that the only property remaining to be transmitted to the beneficiaries is the parcel of land known as Olare Settlement Scheme 48 (now renamed to LR Uasin Gishu/Burnt Forest/48) which was distributed between the two Administrators and portions whereof have since been sold to purchasers. He claims to be one such purchaser of a piece of the portion of the property which devolved to Dorcas Wairimu Ngure.
27. According to him, the estate of Dorcas Wairimu Ngure has itself been litigated upon in Eldoret High Court Succession Cause No 90 of 1998, and the same two Applicants herein, being sons of the said



Dorcas Wairimu Ngure, were appointed the two Administrators of her estate and that further, the said David Ndungu and other persons were recognized as lawful purchasers during distribution of the estate of Dorcas Wairimu Ngure vide the Certificate of Confirmation of Grant issued therein in 1997. I therefore understand him to be arguing that there is nothing further or remaining to be done in this Cause and that substitution of the Administrators herein is a futile endeavour and would simply amount to a duplication of what has already been done in Eldoret High Court Succession Cause No 90 of 1998. According to him, what the Applicants ought to do is to transmit the portions of the said property Olare Settlement Scheme 48 as distributed to the beneficiaries and purchasers in Eldoret High Court Succession Cause No 90 of 1998.

28. While the argument above is attractive and persuasive, what I cannot verify is that indeed, as argued, transmission of all the other properties in this Cause, apart from Olare Settlement Scheme 48, and even the portion thereof that devolved to the other co-Administrator, namely, Sylvia Wambui Ngure, has been concluded as alleged. This is even more relevant because, according to the other participants in the Application, namely, Celestine Wanjiru Ngure and Brian Mbugua, who have also prayed to be substituted as replacements for the second co-Administrator, Sylvia Wambui Ngure, the transmission of the estate in this Cause to the beneficiaries is yet to be concluded. I agree that the Certificate of Confirmation of Grant herein having been issued in 1996, it would be strange that to date, transmission of the properties has not been concluded. This is even more disturbing because none of the parties herein has offered any explanation for the delay and none has also even attempted to give an inventory of what has been transmitted so far and/or what is outstanding.
29. The issue of which of the two Succession Causes transmission of respective properties should be handled or pursued, when it reaches there, shall be an easy task to determine. If therefore the motivation of filing the instant Application is to frustrate transmission of assets or to confuse matters by mixing up the roles and/or purposes of the two separate Succession Causes, then that is futile as it shall be easily unearthed at the time that the same shall arise. David Ndungu therefore should have nothing to worry regarding the instant Application. What I wonder is, if the distribution was concluded way back in 1997 in Eldoret High Court Succession Cause No 90 of 1998 and the purchasers' interests recognized in the Certificate of Confirmation of Grant issued therein, why has he - David Ndungu - and the other purchasers to date not moved the Court in that Cause, to compel the Administrators therein to implement the transmission? For this reason, I am unable to act on the submissions made by David Ndungu and his Counsel, Mr. Ngigi Mbugua and will therefore proceed to determine the prayer for substitution of the Administrators in this Cause. From his Counsel's submissions however, I also discern that the said David Ndungu may not have even have been aware of the death of the second co-Administrator, Sylvia Wambui Ngure, as well
30. Be that as it may, in determining the prayer for substitution of the co-Administrators, I will begin by remarking that generally, the death of one of more Administrators would not affect the validity of a Grant of Letters of Administration where there are more than one Administrator, and only one or some of them die. As long as one or some of the Administrators survive(s), the Grant remains fully valid and the powers and duties of administration remain vested in the surviving Administrator(s). This is what Section 81 of the [Law of Succession Act](#) advances in the following terms:

“ 81. Powers and duties of personal representatives to vest in survivor on death of one of them

Upon the death of one or more of several executors or administrators to whom a grant of representation has been made, all the powers and duties of the executors or administrators shall become vested in the survivors or survivor of them:



Provided that, where there has been a grant of letters of administration which involve any continuing trust, a sole surviving administrator who is not a trust corporation shall have no power to do any act or thing in respect of such trust until the court has made a further grant to one or more persons jointly with him.”

31. The situation is however different where a sole and only Administrator dies or all the Administrators die. Upon the death of such sole Administrator or of all Administrators, the status is that custody of the assets of the estate still remain in such deceased Administrator(s), and the presumption is that such deceased Administrator(s) would still possess the powers of a legal representative. Of course, this presumption leads to an absurdity since the sole Administrator or all the Administrators being dead, he or they, would not be able to exercise the powers or duties of a legal representative and this situation would render the Grant to amount to a mere piece of paper, useless and inoperative. Under the *Law of Succession Act*, once such sole Administrator dies or all Administrators (as herein) die, he or they, cannot be substituted as the Grant is at that point rendered useless and inoperative as a result of the deaths. What is therefore to be done in such circumstances, is for the Grant to be revoked under Section 76(e) of the *Law of Succession Act*. This is because a Grant is personal to the person appointed, and thus cannot be transferred to another, through substitution, and/or amendment thereof.
32. Indeed, Section 76(e) of the *Law of Succession Act* recognizes that among the grounds upon which a Grant can, and should be revoked or annulled, is a situation such as the one described above, namely, where a sole Administrator or all Administrators are dead. It provides as follows:

“ A grant of representation, whether or not confirmed, may at any time be revoked or annulled if the court decides, either on application by any interested party or of its own motion –

  - (a) .....
  - (b) .....
  - (c) .....
  - (d) .....
  - (e) that the grant has become useless and inoperative through subsequent circumstances.”
33. As aforesaid, a Grant is personal to the person appointed, and thus cannot be transferred to another person, through substitution. In the instant case, both the two Administrators are dead. Section 81 cannot not therefore apply. Only Section 76(e) can come into play as the Grant has obviously now been rendered useless and inoperative. It cannot therefore be transferred, and the question of any new person being substituted to replace the deceased Administrators does not arise. To pave way for appointment of a new Administrator or Administrators, the existing Grant must first be revoked.
34. I therefore, in exercise of the discretion given under by Section 76 of the *Law of Succession Act*, revoke the Grant made on 1/03/1985 to Sylvia Wambui Ngure and Dorcas Wairimu Ngure, on grounds that the same has become useless and inoperative pursuant to the deaths of both the two Administrators.
35. Having revoked the Grant, and since the parties are not in unison on whether transmission of the properties comprising the estate in this Cause has been concluded or not, leaving the estate without an Administrator may risk putting the affected beneficiaries, if any, in limbo, assuming that indeed transmission of the properties has not been finalized as alleged. In the circumstances, the next question



is who should be appointed the fresh Administrators for the purposes of finalizing the transmission of properties to the beneficiaries.

36. In determining the persons to be appointed as the new Administrators, a guide is given under Section 66 of the *Law of Succession Act*, which provides as follows:

“Preference to be given to certain persons to administer where deceased died intestate

When a deceased has died intestate, the court shall, save as otherwise expressly provided, have a final discretion as to the person or persons to whom a grant of letters of administration shall, in the best interests of all concerned, be made, but shall, without prejudice to that discretion, accept as a general guide the following order of preference –

- a. Surviving spouse or spouses, with or without association of other beneficiaries;
- b. Other beneficiaries entitled on intestacy, with priority according to their respective beneficial interests as provided in Part V;
- c. The Public Trustee; and
- d. Creditors.”

37. The persons entitled in intestacy according to Part V of the *Law of Succession Act* referred to above, in their order of preference, are children (and grandchildren where their own parents are dead), parents, siblings, half-siblings and then other relatives who are in the nearest degree of consanguinity up to, and including the sixth degree.
38. Needless to state, as the phrase used therein indicates, the order of preference listed in Section 66 aforesaid is “a general guide”, thus discretionary, and not binding to the Court. The above general guide is however therefore that priority is given to surviving spouse(s), followed by the other beneficiaries entitled in intestacy as set out in Part V of the Act, then the Public Trustee and then Creditors.
39. Applying the above guide, in this case, the spouse of the deceased (one of the two co-Administrators herein, Sylvia Wambui Ngunjiri) is now dead. The next in line would therefore be the children, then grandchildren (within the qualification stated), and then parents. In this case, no one in these categories has come forward and none has been disclosed as existing
40. The 1st Applicant, David Kabutha Ngunjiri, claims to be a son of the co-Administrator, Dorcas Wairimu Ngunjiri, who is now dead and who was the mother of the deceased, Job Kagombe Ngunjiri. Although he has not expressly mentioned it, I therefore presume that David Kabutha Ngunjiri is a brother to the deceased, Job Kagombe Ngunjiri. If so, then he qualifies as a sibling, for appointment as Administrator, though at a lesser priority.
41. Celestine Wanjiru Ngunjiri has described herself as a daughter of the said Sylvia Wambui Ngunjiri, who was the widow of the deceased. It would therefore be generally presumed that she – Celestine Wanjiru Ngunjiri - would thus be a daughter of the deceased – Job Kagombe Ngunjiri. Since she has not however expressly said so, I will not speculate on her paternity or on her relationship to the late Job Kagombe Ngunjiri, if any. It is however not disputed that she is a co-Administrator of the estate of the said Sylvia Wambui Ngunjiri. Since however her suitability as an Administrator has not been challenged, I will give her the benefit of doubt and presume her eligibility for appointment.
42. On his part, Brian Mbugua is said to be a grandson of the said Sylvia Wambui Ngunjiri, the late co-Administrator of the estate and widow of the deceased herein, Job Kagombe Ngunjiri. Again, it would thus be generally presumed that he is a grandson of the deceased. However, since he, too, has not



expressly said so, I will not speculate on his paternity since it has not even been disclosed who his parent is, and whether that parent is alive. It is however not disputed that he, too, is a co-Administrator of the estate of the said Sylvia Wambui Ngure. Again, since his suitability for appointment has also not been challenged, I will similarly give him the benefit of doubt and presume his eligibility for appointment.

43. Pursuant to the above, I will now appoint David Kibutha Ngure, Celestine Wanjiru Ngure and Brian Mbugua to be the joint Administrators of the estate herein and to whom a fresh Grant of Letters of Administration in respect to the estate of Job Kagombe Ngure (deceased) will now be issued.
44. Regarding distribution of the estate, since a consent order was recorded herein on 1/03/1985 in respect thereto by the previous Administrators resulting into issuance of the Certificate of Confirmation of Grant on 1/09/1996, such consent order remains binding on all parties, and shall be honoured and transmission of the assets shall be undertaken under the same terms as in the previous Certificate of Confirmation of Grant. In other words, the terms set out in the Certificate of Confirmation of Grant dated 1/09/1996 shall be retained and reproduced in the same manner, in the new Certificate to be issued.
45. Before I pen off, I must say that considering the long period of time that has lapsed since the Court finalized distribution of the estate in 1996, if indeed transmission of the assets has not been finalized to date, then it is a very unfortunate scenario. For this reason, the Court will now actively take up supervision thereof to ensure that the new Administrators conclude the remaining process within the shortest time possible.

### **Final Orders**

46. In the premises, the Chamber Summons dated 12/04/2024 is hereby allowed and I rule and order as follows:
47. The Grant of Letters of Administration issued in this Cause on 1/03/1985 in respect to the estate of Job Kagombe Ngure (deceased) is hereby revoked having become useless and inoperative as a result of the deaths of both the Administrators appointed thereunder, namely, the late Sylvia Wambui Ngure and the late Dorcas Wairimu Ngure.
48. Pursuant to the above, a fresh Grant of Letters of Administration in respect to the estate of Job Kagombe Ngure (deceased) is hereby issued and the 3 persons now appointed to be the joint Administrators of the estate herein are David Kibutha Ngure, Celestine Wanjiru Ngure and Brian Mbugua.
49. Since a consent order was recorded herein on 1/03/1985 in respect to distribution of the estate by the previous Administrators resulting into issuance of the Certificate of Confirmation of Grant on 1/09/1996, it is confirmed that such consent order remains unchanged, valid and binding on all parties, and save for the names of the 3 joint new Administrators now appointed, the fresh Certificate of Confirmation of Grant that shall to be issued shall be in the same terms as in the previous Certificate of Confirmation of Grant, without any changes.
50. A date shall now be fixed when the joint new Administrators now appointed shall attend Court to give an update on the progress of transmission of the assets to the beneficiaries.
51. Costs shall be in the Cause.

**DELIVERED, DATED AND SIGNED AT ELDORET THIS 24<sup>TH</sup> DAY OF JANUARY 2025.**

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**WANANDA J. R. ANURO**

**JUDGE**

**Delivered in the presence of:**

David Kabutha Ngure, the Applicant

Ngigi Mbugua for the Respondents

Ms. Kosgey for some beneficiaries

Court Assistant: Mr. Kuto

