



REPUBLIC OF KENYA



**In re Estate of Janet Wanjiku Kabui - Deceased (Probate & Administration
E123 of 2023) [2024] KEHC 3205 (KLR) (25 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 3205 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KIAMBU

PROBATE & ADMINISTRATION E123 OF 2023

DO CHEPKWONY, J

JANUARY 25, 2024

IN THE MATTER OF THE ESTATE OF JANET WANJIKU KABUI -DECEASED

RULING

1. What is before the court is Petition for Grant of Letters of Administration Ad Litem dated 5th December, 2023 in respect to the estate of the deceased Janet Wanjiku Kabui.
2. The Petitioner is seeking the Grant Ad litem for purposes of pursuing Petitions HCP&A 99 of 2016, In the matter of the Estate of Naomi Kabui Gakumo and Kiambu Succession Cause No. 58 of 2013 and Kiambu Succession Cause No. 151 of 2013, In the matter of the Estate of Naomi Kabui Gakumo as shown in the court order marked JKK2.
3. It is supported by the Affidavit of James Kamau Karanja, wherein the Petitioner holds that the deceased died on 10th March, 2023 as per the Death Certificate marked as 'JKK1'. He holds that he presents the Petition in his capacity as son of the deceased.
4. The Petitioner holds that the deceased was survived by five dependants being Robert Kinuthia Wanjiku (son), Lucy Wakonyo Karanja (daughter), Geoffrey Mwenja Wambui (son), Naomi Wambui Wanjiku (daughter) and Peter Karomo Kabui (son) who have consented to his application save for Naomi Wambui Wanjiku who does not have legal capacity to do so due to her medical condition as evidenced in the medical report marked JKK3.

Determination

5. The court has considered the Petition and the letter from Chief of Ruaka locations dated 27th October, 2023 which has listed all the beneficiaries of the deceased as those that appear in the Petition. The court has also considered the consent signed by the beneficiaries of the deceased together with the Petitioner to the exclusion of Naomi Wambui Kariuki- daughter of the deceased whom the court is satisfied with the evidence availed of her medical conditions in the medical report marked JKK3.
6. The court has also noted that the court order issued in Kiambu Succession Cause No.99 of 2016 (formerly Nairobi HCSC 2236 of 2014) and Kiambu CM Succession No. 151 of 2013 to which the



deceased, Janet Wanjiku Kabui was a party thereto and finds that there is need to grant the Petitioner the Grant of Letters of Administration Ad Litem to enable him proceed with the case.

7. The Petitioner having complied with all the conditions set out for the grant of Letters of Administration Ad Litem, the court finds the Petition ought to be allowed and directs that Grant of Letters of Administration AD Litem in respect to the estate of Janet Wanjiku Kabui do issue upon James Kamau Karanja.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 25TH DAY OF JANUARY, 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Chege counsel for the Estate of the Deceased

Court Assistant - Martin

