



REPUBLIC OF KENYA



**In re Estate of Mwirichia Ntuku (Deceased) (Succession Cause  
17 of 2009) [2024] KEHC 1678 (KLR) (22 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1678 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 17 OF 2009  
TW CHERERE, J  
FEBRUARY 22, 2024  
IN THE MATTER OF THE ESTATE OF MWIRICHIA NTUKU (DECEASED)**

**BETWEEN**

**JEREVASIO MURIUKI ..... ADMINISTRATOR**

**AND**

**SUSAN GATETI ..... ADMINISTRATOR**

**RULING**

**Background**

1. By a ruling dated November 2, 2023, this court made the following orders:
  1. Letters of administration issued to Jerevasio Muriuki on March 18, 2009 are hereby revoked
  2. Letters of administration be issued jointly to Jerevasio Muriuki and Susan Gateti
  3. Deceased's estate comprised in LR. Nyaki/Giaki II/66 shall be distributed in equal shares to the following:
    - i. Jerevasio Muriuki
    - ii. The estate of Saberio Kaumbuthu (deceased)
    - iii. The estate of Basirio Marete M' Mwirichia (deceased)
    - iv. Ciliberia Kaburo M' Muriithi
  4. At the point of distribution, the surveyor shall ensure to reduce the share for the Estate of Basirio Marete M' Mwirichia (deceased) with an equivalent of the size of LR. Nyaki/Nkabune/248 measuring 0.12 Ha or 0.29 acres or thereabout.



5. Each party shall bear its own costs
6. Mention February 5, 2024 to confirm compliance with these orders and/or directions
2. Subsequently, letters of administration and certificate of confirmation of grant dated November 2, 2023 and November 8, 2023 were issued accordingly.

### **Summons**

3. By notice of motion dated December 19, 2023, supported by an affidavit sworn on even date, Susan Gateti (2<sup>nd</sup> administrator/applicant) faults Jerevasio Muriuki (1<sup>st</sup> administrator/respondent) for declining to sign the requisite transmission documents for purposes of distribution of the estate to the beneficiaries of the estate.
4. 2<sup>nd</sup> administrator/applicant therefore seeks orders that:
  1. The court issue an order that the deputy registrar of this court executes all the necessary documents in place of Jerevasio Muriuki for purposes of transmission of the estate of the deceased as the certificate of confirmation of grant dated issued on November 8, 2023
  2. Costs be provided for
5. The summons was served on M/s J.G.Gitonga Advocates for the 1<sup>st</sup> administrator/respondent but there was neither a response nor attendance on the hearing date.

### **Analysis and Determination**

6. Section 83(g) of the *Law of Succession Act* requires that an estate of a deceased be distributed within six months of confirmation of grant or longer period as the court may allow.
7. A period of 2 months has passed since the grant was confirmed and the administrators are within the time provided for distribution of the estate.
8. In the end, the summons dated December 19, 2023 is considered and it hereby ordered:
  1. If after the lapse of 6 months from November 2, 2023, any of the administrators will not have signed the transmission documents, the deputy registrar of this court is authorized to execute, on behalf of such defaulting party, the requisite documents for transmission of the estate of the deceased in accordance with the certificate of confirmation of grant dated November 2, 2023 and issued on November 8, 2023
  2. Costs shall be in the course
  3. Mention on June 12, 2024 to confirm compliance with these orders and transmission of the estate

**DELIVERED IN MERU THIS 22<sup>ND</sup> DAY OF FEBRUARY 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

### **Appearances**

Court Assistants - Kinoti/Munene

For 2<sup>nd</sup> Administrator/ Respondent -Mr. Gitonga for J.G.Gitonga & Associates



For 1<sup>st</sup> Administrator/Applicant -Ms. Maore for Maore Kambura & Co. Advocates

