



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Ngatia s/o Karari (Deceased) (Succession Cause
1351 of 2011) [2024] KEHC 4068 (KLR) (26 April 2024) (Judgment)**

Neutral citation: [2024] KEHC 4068 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE 1351 OF 2011**

MA ODERO, J

APRIL 26, 2024

**IN THE MATTER OF THE ESTATE OF NGATIA S/O KARARI
(DECEASED)**

JUDGMENT

1. Before this court is the summons for Revocation/Annulment of Grant dated 23rd May, 2022 by which the Applicant Gathoni Njama seeks the following orders:-
 - “ 1. That the Grant of letters of Administration issued to Elijah Kioni Ngatia on 18th May, 2012 and confirmed on 15th August, 2016 be revoked / annulled.
 2. That Gathoni Njama be appointed the Administrator of the estate of the deceased herein in place of the said Elijah Kioni Ngatia.
 3. That the costs of this application be provided for.
2. The application which was premised upon section 76 (a) (b) and (c) of the *Law of Succession Act* and rules 44 and 73 of the *Probate and Administration Rules* was supported by the Affidavit of even date sworn by the Applicant.
3. The Application was not opposed.
4. This matter relates to the estate of the late Ngatia s/o Karari who died in the 1950.s (hereinafter ‘the Deceased’). The Deceased was survived by the following persons.
 - i. Elijah Kioni Ngatia
 - ii. Njama Maina (Deceased)
 - iii. Kambo (Deceased)
 - iv. Wilson Karari



The Applicant is the widow of the late Njama Maina, and is therefore a daughter in-law of the Deceased.

5. Following the demise of the Deceased a Grant of Representation was issued to one Elijah Kioni Ngatia on 18th May, 2012. The said Grant was duly confirmed on 15th August, 2016.
6. The Applicant avers that the Deceased held the parcel of land known as LR NO. Maluga Munyange/252 in trust for the late Andrew Kuria Mumbura in equal shares.
7. The Applicant prays that the Grant be revoked to enable the estate be conclusively distributed.
8. In this matter there was only one Administrator appointed to represent the estate of the Deceased. That sole Administrator has now passed away.
9. Although no death certificate was produced I note the contents of the ruling delivered in ELC No. 79 OF 2018 where the court found and held that Elijah Kioni Ngatia had passed away on 21st August, 2018. The court relied on a burial permit and Eulogy as proof of his demise.
10. Where a Sole Administrator passes away then in terms of Section 76 of the *Law of Succession Act* the Grant so issued becomes useless and inoperative. A new Administrator must be appointed to complete the distribution of the estate.
11. As stated earlier this application has not been opposed. I therefore allow the same in terms of prayers (1) and (2). No orders on costs.

DATED IN NYERI THIS 26TH DAY OF APRIL, 2024.

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MAUREEN A. ODERO

JUDGE

