



In re Estate of Silas Muriithi Mugambi (Deceased) (Succession Cause 23 of 2009) [2024] KEHC 6420 (KLR) (30 May 2024) (Ruling)

Neutral citation: [2024] KEHC 6420 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 23 OF 2009
TW CHERERE, J
MAY 30, 2024**

BETWEEN

SNM APPLICANT

AND

LUCY KINANU MURIITHI 1ST PETITIONER

DR GEORGE KOOME MURIITHI 2ND PETITIONER

RULING

1. The estate in this matter was distributed vide the Certificate of Confirmation in this issued on August 20, 2013 and out of the estate, five assets were distributed to Erick Mwenda Muriithi (Deceased Beneficiary).
2. Following the death of Erick Mwenda Muriithi on 18th July, 2023, this court by an order dated January 25, 2024 declined to redistribute the shares of Erick Mwenda in this cause and directed that the Certificate of Confirmation of Grant issued on 20th August, 2013 shall be rectified to the extent that Erick Mwenda Muriithi’s shares shall vest in his estate.
3. The court also directed that pending the distribution of Erick Mwenda Muriithi’s estate, all rents due and payable to his estate shall be deposited into an account to be opened not later than 14 days from today’s date in the names of Shirlyn Nkatha Mwenda and the Deputy Registrar of this court.
4. To date, there is no evidence that the order relating to the opening of the rent account has been complied with.
5. I wish to reiterate the ruling dated January 25, 2024 that this cause relates to the estate of Silas Muriithi Mugambi and not the estate of his son Erick Mwenda Muriithi.
6. It therefore follows that any matter relating to the estate of the said Erick Mwenda Muriithi cannot be determined in this cause.



7. Consequently, the chamber summons dated April 26, 2024 that seeks leave to withdraw funds from Erick Mwenda Muriithi's account XXXXX9912 with ABC Bank Meru Branch is declined.
8. The Applicant and the Deputy Registrar of this court are reminded to comply with the order relating to opening of the rent account without further delay and in any event not later than 14 days' from today's date.
9. Respondents are hereby given the last warning that the grant shall be revoke in the event that they do not proceed diligently with the administration and transmission of the estate to the respective beneficiaries
10. Mention on October 17, 2024 to confirm transmission of deceased's estate

DELIVERED IN MERU THIS 30TH DAY OF MAY 2024

WAMAE. T. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Applicant - Ms. Athieno for J.K.Ntarangwi & Co. Advocates

& Ms. Nelima for J.Nelima Associates & Advocates

For Petitioners/Respondents - Ms. Mugo for Gichunge Muthuri & Co. Advocates

