



**In re Estate of Silas Muriithi Mugambi (Succession Cause
23 of 2009) [2024] KEHC 6473 (KLR) (30 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6473 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 23 OF 2009
TW CHERERE, J
MAY 30, 2024
THE MATTER OF THE ESTATE OF SILAS MURIITHI
MUGAMBI
IN THE MATTER OF WITHDRAWAL OF FUNDS**

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 20th August, 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 25th January, 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 25th January, 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 26th April, 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 17th October, 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

Republic Of Kenya

In The High Court Of Kenya At Meru

Succession Cause 23 Of 2009

(coram: Cherere-j)

In The Matter Of The Estate Of Silas Muriithi Mugambi

In The Matter Of Appointment Of Administrator

Between

S.k.m (minor)

Thro Mother And Next Friend Carol Daisy Mwenda Ngai.....applicant

And

Snmrespondent

And

Lucy Kinanu Muriithi 1st Petitioner

Dr George Koome Muriithi 2nd Petitioner



11. The estate in this matter was distributed vide the Certificate of Confirmation in this issued on 20th August, 2013 and out of the estate, five assets were distributed to Erick Mwenda Muriithi (Deceased Beneficiary).
12. Following the death of Erick Mwenda Muriithi on 18th July, 2023, this court by an order dated 25th January, 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.
13. The issue of who shall be the administrators of the estate of Erick Mwenda Muriithi shall no doubt be determined in his estate whose cause is yet to be filed. Similarly, the issue of appointment of the Applicant herein as signatory of the rent account accruing from the estate of Erick Mwenda Muriithi, which account is yet to be opened ought to be determined in the matter of the estate of Erick Mwenda Muriithi.
14. Consequently, the chamber summons dated 22nd February, 2024 that seeks appointment of Carol Daisy Mwenda Ngai as an administrator of the estate of Erick Mwenda Muriithi and signatory to the rent account that is yet to be opened is declined.

DATED AT MERU THIS 30TH DAY OF MAY 2024

WAMAE. T. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Applicant - Mr. Mugo for I.C.Mugo & Co. Advocates

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

& Ms. Nelima for J.Nelima Associates & Advocates

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

