



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of M'Kirimania M'Mugwongo (Deceased) (Succession Cause 149 of 2015) [2024] KEHC 6474 (KLR) (28 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6474 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 149 OF 2015**

**TW CHERERE, J**

**MAY 28, 2024**

**IN THE MATTER OF THE ESTATE OF M'KIRIMANIA M'MUGWONGO  
(DECEASED)**

**AND**

**IN THE MATTER OF AN APPLICATION FOR SUBSTITUTION OF  
ADMINISTRATOR**

**BETWEEN**

**BERNARD GITUMA M'KIRIMANIA ..... APPLICANT**

**AND**

**MICHAEL MBAABU KIRIMANIA ..... DECEASED**

**RULING**

1. The Certificate of Confirmation of Grant in this matter was issued on 16<sup>th</sup> February, 2017.
2. A certificate of death dated 13<sup>rd</sup> March, 2023 reveals that Michael Mbaabu Kirimania, the administrator, died on 22<sup>nd</sup> January, 2021.
3. As at the time of his death, and except for one asset, the bulk of the estate had not been fully distributed as evidenced by certificates of official search filed herein.
4. Another certificate of death dated 05<sup>th</sup> July, 2021 reveals that another beneficiary Benson Mukaria Kirimania is also deceased.
5. By summons dated 16<sup>th</sup> January, 2024, Bernard Gituma M'Kirimania (Applicant) seeks orders that:
  1. Applicant be substituted with Michael Mbaabu Kirimania, the deceased administrator
  2. Shares for Benson Mukaria Kirimania be distributed to his wife Hellen Mukuba S. M'Mboroki



3. Shares for Michael Mbaabu Kirimania in Ntima/igoki/4044, Kiirua/ruiiri/1590 And Timau Block 2/lewa Mutonyi/5 be distributed to his wife Tarsilla Kajuju Thurania
4. Shares for Michael Mbaabu Kirimania in Ntima/igoki/4073, Ruiiri/rwarera/1046 And Antuamburi Adjudication Section /5020 be distributed to his wife Tarsilla Kajuju Thurania to hold in trust for all the other beneficiaries of the estate
6. Having considered the summons, I find that it is in the interest of justice to substitute the deceased administrator so that he can complete the distribution of the estate.
7. I however decline to redistribute the shares for the deceased beneficiaries namely Michael Mbaabu Kirimania and Benson Mukaria Kirimania and direct that their shares be distributed to their respective estates.
8. In the end, it is hereby ordered as follows;
  1. Bernard Gituma M'Kirimania is substituted with Michael Mbaabu Kirimania, the deceased administrator
  2. Letters of administration to issue in the name of Bernard Gituma M'Kirimania
  3. The Certificate of Confirmation of Grant dated 16<sup>th</sup> February, 2017 shall be rectified to the extent that the shares for Michael Mbaabu Kirimania and Benson Mukaria Kirimania shall be distributed to their respective estates
  4. Rectified Certificate of Confirmation of Grant to issue

**DATED AT MERU THIS 28<sup>TH</sup> DAY OF MAY 2024**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistants - Kinoti/Munene

For Applicant -Present in person

