



REPUBLIC OF KENYA



In re Voluntary Discharge of Prisila Nuna Njunge and Serah Wagira Wanjiku (Exparte Applicants) From the Trust With Regards To L.R Number Nachu/Ndacha/4904 (Miscellaneous Application E0201 of 2024) [2024] KEHC 14679 (KLR) (22 November 2024) (Ruling)

Neutral citation: [2024] KEHC 14679 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
MISCELLANEOUS APPLICATION E0201 OF 2024
DO CHEPKWONY, J
NOVEMBER 22, 2024**

**IN THE MATTER OF VOLUNTARY DISCHARGE OF PRISILA NUNA
NJUNGE AND SERAH WAGIRA WANJIKU (EXPARTE APPLICANTS) FROM
THE TRUST WITH REGARDS TO L.R NUMBER NACHU/NDACHA/4904**

RULING

1. This is a ruling in respect of a Notice of Motion application dated 1st October, 2024 which seeks the following orders:
 - a. Spent.
 - b. That this Honourable court be pleased to order the voluntary discharge of Prisila Nuna Njunge And Serah Wagira Wanjiku from the trust of LR No Nachu/Ndacha/4904.
 - c. This Honourable court be pleased to order that Samuel Mukiri Githua who has now attained the age of majority to sign the relevant transfer documents involving the sale and purchase of a portion on LR No Nachu/Ndacha/4904.
2. The Application is based on the grounds as set out on its face and the Supporting Affidavit of Serah Wagira Wanjiku sworn on the instant date. According to the Applicants, the parcel of land known as LR Number Nachu/Ndacha/4904 is jointly registered in their names to hold in trust of their children for her being the beneficiary, Samuel Githua Mukiri and for Prisila Nuna Njunge her children being Joseph Njunge Mbugua And Samuel Mukiri Mbugua.
3. The Applicant holds that Samuel Githua Mukiri has attained the age of majority is as per the copy of his national identity card. It is the Applicant's contention that the suit parcel has already been sold to a purchaser as per the agreement dated 16th November, 2023 whose completion date lapsed on 16th February, 2024. The Applicant holds that they are unable to transfer the parcel of land to the purchaser unless the applicants are discharged as Trustees to the Beneficiary, Samuel Githua Mukiri who has already attained the age of majority.



4. The court has considered the Notice of Motion application, the Supporting Affidavit and the annexures attached thereto, more particularly the Title Deed for the subject parcel of land which, at the Proprietorship Section shows that on 22nd February, 2024 the land was registered in the names of the Applicants Prisila Nuna Njunge And Serah Wagire Wanjiku (to hold in trust for Samuel Mukiri Mbugua, Joseph Njunge Mbugua and Samuel Mukiri Githua.)
5. The court has also considered the land sale agreement and the Deed of Voluntary Discharge of Trust and the contents therein. The court has considered the national identity card for Samuel Mukiri Githua ID No 3790XXXX which shows that he has attained the age of majority.
6. For those reasons, the Court finds that the Notice of Motion application dated 1st October, 2024 has merits and the same is allowed as the following terms:-
 - a. An Order is hereby issued for the voluntary discharge of Prisila Nuna Njunge And Serah Wagira Wanjiku from their trust on behalf of Samuel Mukiri Githua with regards to property known as LR No Nachu/Ndacha/4904.
 - b. An Order is hereby issued to Samuel Mukiri Githua who has now attained the age of majority to sign transfer documents involving the sale and purchase of a portion on LR No Nachu/Ndacha/4904.
 - c. There shall no order as to costs.

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS 22ND DAY OF* NOVEMBER , 2024.
(UPLOADED VIA ELECTRONIC MAIL)**

D. O. CHEPKWONY

JUDGE

