



**In re Estate of Nason Kimina Mbinda (Deceased) (Succession Cause 62 of 2017) [2022] KEHC 10557 (KLR) (26 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 10557 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MAKUENI  
SUCCESSION CAUSE 62 OF 2017  
GMA DULU, J  
MAY 26, 2022**

**FORMERLY MACHAKOS SUCCESSION CAUSE NO. 930 OF 2012  
IN THE MATTER OF THE ESTATE OF THE NASON KIMINA MBINDA (DECEASED)  
SUSAN NZISA MUTUKU ..... 1ST PETITIONER  
GIDEON MUIA KIMINA ..... 2ND PETITIONER  
RACHAEL MUMBUA NGANGA.....3RD PETITIONER**

**RULING**

1. In a ruling delivered on 12<sup>th</sup> May 2020, this court concluded inter alia, as follows:-
  1. ....
  2. The sale of Agricultural Plot 312 is revoked. The land reverts to the estate of the deceased. The title deed issued to Hasa Isa is hereby revoked. Let him seek for a refund of his money from Gideon Muia Kimina. The Land Registrar Makueni County to re-issue a title deed in the deceased's name.
  3. ....
  4. ....
  5. ....
  6. ....
2. This court is now informed through an application (Summons) dated 4<sup>th</sup> October 2021 filed by the 3<sup>rd</sup> Petitioner Rachael Mumbua Nganga, that in the process of administering the estate, the administrators have found that Agricultural Plot No. 312 as described in the ruling above, is now known as Land Title Number Konza South/Konza South Block 5 (Konza) /881, and thus the administrators through the application herein seek the following orders:-



1. That the court be pleased to amend the ruling of the court delivered on 12<sup>th</sup> May 2020 to the effect that Agricultural Plot No. 312 as is described in the ruling is now known as Land Title Number Konza South/Konza South Block 5 (Konza) /881.
2. That upon grant of prayer (1) herein above, Land Title Number Konza South/Konza South Block 5 (Konza) /881 be registered into the name of the deceased herein, Nason Kimina Mbandi (deceased).
3. That the costs of this application be provided for.
3. The application is supported by an affidavit sworn by Rachel Mumbua Nganga on 4<sup>th</sup> October 2021 annexing among other documents the subject court ruling and Certificate of Confirmed Grant of Letters of Administration containing the subject Land Agricultural Plot No. 312. Also filed is a further affidavit sworn by the same deponent on 11<sup>th</sup> January 2022 annexing a letter dated 4<sup>th</sup> November 2021 from Konza Ranching & Farming Cooperative Society Ltd signed by D.M Katu Yaitha as Secretary evidencing that original Agricultural Plot No. 0312 had now a Title Deed No. Konza South/Konza South Block 5 (Konza)/881.
4. I note that the application herein has not been opposed.
5. In view of the above position, and in exercise of this court's powers under section 47 of the [Law of Succession Act](#) (Cap.160) and in order to do justice, I allow the application herein and grant prayer 1 and 2 as requested above. The Certificate of Confirmed Grant of Letters of Administration herein will be amended accordingly. Costs in the cause.

**DATED SIGNED & DELIVERED, THIS 26<sup>TH</sup> DAY OF MAY 2022, IN OPEN COURT AT MAKUENI.**

.....  
**GEORGE DULU**  
**JUDGE**

