



REPUBLIC OF KENYA



**In re Estate of Monica Wanjiru Mukora (Deceased) (Succession Cause
64 of 1997) [2022] KEHC 10462 (KLR) (24 May 2022) (Ruling)**

Neutral citation: [2022] KEHC 10462 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
SUCCESSION CAUSE 64 OF 1997**

LK KIMARU, J

MAY 24, 2022

BETWEEN

JANET WANJIKU KARIUKI ADMINISTRATOR

AND

BONIFACE MUKORA WANJIRU 1ST APPLICANT

JANE NJOKI DANIEL 2ND APPLICANT

RULING

1. This is a protracted Succession dispute that at one point appears to have been resolved. Indeed, the properties that comprise the estate of the deceased were distributed to the beneficiaries. The original administrator who was granted Letters of Administration by this court to administer the estate of the deceased was killed by one of the claimants to the estate of the deceased. The current administrator Janet Wanjiku Kariuki substituted the deceased administrator. From the pleadings filed in court, it is evident that the beneficiaries of the estate of the deceased have sub-divided their respective inherited portions and sold them to third parties. In a bid to regularize the sale, periodic applications have been made to this court to have the certificate of confirmation of grant amended to reflect the respective sales. This court doubts whether such applications have any basis in law. Be it as it may, courts are there to assist families to smoothly administer the estates of their deceased relatives including catering for purchasers who may have purchased part of the property from the deceased prior to their demise.
2. It was in regard to providing for purchasers of the suit parcel of land, that the administrator filed an application before this court on 5th May 2020 seeking to have the certificate of confirmation of grant rectified to reflect the new reality on the ground as regard the ownership of part of the properties that comprised the estate of the deceased that were sold to third parties. The application was allowed and an amended certificate of grant was duly issued on 5th May 2020. However, it is apparent that some of the beneficiaries were dissatisfied with the proposed mode of distribution. The Applicants herein filed an application dated 14th April 2021 seeking to have the said amended certificate of grant issued



to the administrator on 5th May 2020 revoked claiming that it did not include all the purchasers who were already on the land. The applicants stated that the total number of purchasers on the land were 61, this fact was partially acknowledged by the administrator in a meeting held at the office of the area chief on 23rd February 2019 whereby the administrator undertook to facilitate the issuance of titles to all the purchasers without discrimination.

3. The administrator while conceding that indeed there were purchasers who had not been catered for in the amended certificate of confirmation of grant, was of the view that sine the survey and demarcation of land had been done, those who had purchased land from the beneficiaries should provide for those purchasers upon their respective portions being transferred and registered to them. The administrator was of the view that there was no basis upon which the said amended certificate of confirmation of grant should be disturbed.
4. As stated earlier in this ruling, it was clear to this court that most of the original beneficiaries had sold their respective inheritances to different purchasers. Some of the purchasers have sold to other subsequent purchasers. The applicants have a point when they insist that all purchasers should be included in the certificate of confirmation of grant so that they can have their respective titles issued to them upon the administrator surveying and sub- dividing the subject property that comprise the estate of the deceased. The administrator herself in the meeting held at the area chief's office acknowledged that there were 51 occupants of the land who were entitled to be issued with titles. These 51 occupants were recognized as the legitimate purchasers. This court does not see any reason why it should not facilitate the issuance of title to all recognized purchasers if indeed there is no dispute as to their bonafides.
5. In the premises therefore, this court declines the applicants' request for the amended certificate of grant issued on 5th May 2020 to be revoked. However, both the administrator and the Applicants are hereby ordered to present to court a joint list of all the beneficiaries and purchasers on the land that is the subject of this application so that this court can issue an amended certificate of grant to settle, once and for all, the issues related to the estate of the deceased which has been pending before this court for a period of over 25 years. The said list shall be presented before this court within 30 days of today's date. If there shall be a disagreement, the parties to this application shall present a harmonized list with names of those they do not dispute and another list of those they dispute so that this court can resolve the dispute. There shall be no orders as to costs. It is so ordered.

DATED AT KITALE ON THIS 24TH DAY OF MAY 2022.

L. KIMARU

JUDGE

