



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIVASHA**

**SUCCESSION CAUSE NO. 149 OF 2015**

**(Formerly High Court Nakuru Succession No. 333 of 2012)**

**IN THE MATTER OF THE ESTATE OF JAMLICK KARANJA MUIRURI (DECEASED)**

**JAMES MUIRURI KARANJA.....1<sup>ST</sup> ADMINISTRATOR**

**PETER KAMAU KARANJA.....2<sup>ND</sup> ADMINISTRATOR**

**MARIA WANGUI KARANJA.....3<sup>RD</sup> ADMINISTRATOR**

**AND**

**JOSHUA NJUGUNA MUIRURI.....APPLICANT**

**R U L I N G**

1. On 3<sup>rd</sup> June, 2016 this court revoked the grant that had been issued in the name of **Joshua Njuguna Muiruri** in 2012, in respect of the estate of his deceased brother **Jamlick Karanja Muiruri**. The court had stated that:

**“The confirmed grant in the circumstances cannot stand is hereby revoked. The court will therefore order that a fresh grant be issued in the names of the 1<sup>st</sup> and 2<sup>nd</sup> applicants herein, and their two sisters Mary Mwhaki Karanja and Maria Wangui Karanja. In 3 months from today’s date the said Applicants will be at liberty to apply for the Confirmation of the grant and to file affidavits proposing the mode of distribution of all the properties which constituted the estate of the deceased at the time of death. Each party will bear its own costs.”**

2. On 3<sup>rd</sup> March, 2017, **Joshua Njuguna Muiruri** purporting to act as the administrator of the estate filed the summons for confirmation of grant asserted to have issued on the 9<sup>th</sup> January, 2012. The application is based the Applicant’s affidavit. Attached thereto is an executed consent which was purportedly signed by **Mary Mwhaki Karanja, Maria Wangui Karanja, James Muiruri Karanja and James Karanja Mwaura**.

3. The 1<sup>st</sup> to 3<sup>rd</sup> signatories being children of the deceased were the persons appointed by this court on 3<sup>rd</sup> June, 2017 to administer the estate of the deceased alongside their brother **Peter Kamau Karanja**. And pursuant to the court’s ruling on 3<sup>rd</sup> June, 2016 a grant did issue to them on 17<sup>th</sup> June, 2016.

4. Thus, the present application by **Joshua Njuguna Muiruri** has no basis. He is no longer an administrator of the deceased’s estate and cannot purport to make an application before this court. Secondly the grant he seeks to confirm was revoked by this court.

5. The application filed by him on 3<sup>rd</sup> March, 2017 is therefore incompetent and verges on contempt of the court’s previous orders. The application is hereby stuck out with costs.

6. Let the current administrators file the application to confirm the grant within 30 days of today’s date, and indicating the mode of distribution of the estate, failing which this matter will be placed before the Deputy Registrar for directions on 28<sup>th</sup> November, 2017.

7. Parties to bear costs.

**Delivered and signed at Naivasha this 24<sup>th</sup> day of October, 2017.**

In the presence of:-

Mr. Waigwa Ngunjiri for the Petitioner

Mr. G. N. Kimani for the Objectors/Applicants

Court Assistant – Barasa

**C. MEOLI**

**JUDGE**

**C. MEOLI**

**JUDGE**