



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 455 OF 2012**

**IN THE MATTER OF THE ESTATE OF RUTH WATHIIRI NJOVO alias RUTH WANTHIIRI  
NJOVO (DECEASED)**

**MICHAEL NJUE STEPHEN .....BENEFICIARY/APPLICANT**

**VERSUS**

**JOHN NTHIGA STEPHEN.....ADMINISTRATOR/RESPONDENT**

**RULING**

1. This is an application by the beneficiary seeking orders to direct the Land Registrar of Embu to dispense with the production of the original title deed in respect of land parcel No. Kagaari/Weru/2099. Additionally, he seeks an order directing the Deputy Registrar to execute all relevant documents on behalf of the applicant to facilitate implementation of the confirmed grant issued by this court in respect of the said suit land. Finally, the applicant seeks an order for costs.

2. The application is supported by his supporting affidavit dated 21<sup>st</sup> April 2016 According to his affidavit, a confirmed grant was made by this court on 21<sup>st</sup> June 2014. In terms of that confirmed grant he was entitled to a share of 0.20ha. He has further stated that the Land Registrar has refused to execute all documents to facilitate his registration as the owner of the parcel of land. He has also stated that the administrator has executed all documents for transfer in favour of other beneficiaries. Finally, he has stated that it is only fair that the Deputy Registrar be authorized to sign all the documents on behalf of the administrator to enable him to be registered.

3. The application is unopposed.

4. I believe the affidavit evidence of the applicant. According to the confirmed grant made by Judge Ong'udi on 26<sup>th</sup> June 2014 the applicant is entitled to 0.20ha of the suit land. The confirmed grant has not been challenged. There is no replying affidavit from the administrator/Respondent.

5. The upshot of the a foregoing is that the the applicant is entitled to the orders sought and I hereby grant them with no order as to cost.

**RULING DATED, SIGNED and DELIVERED** in open court at **EMBU** this **24<sup>TH</sup>** day of **MAY**, 2016

In the presence of the applicant and in the absence of the respondent.

Court clerk Njue

**J.M. BWONWONGA**

**JUDGE**

**24.05.16**