



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NO. 674 OF 2006

IN THE MATTER OF THE ESTATE OF SOLOMON WANGAI NDIRANGU (DECEASED)

DAVID NDIRANGU WANGAI.....APPLICANT

VERSUS

PHYLIS WAIRIMU NJOROGE.....RESPONDENT

RULING

By a summons dated 25th June, 2015, David Ndirangu Wangai (hereinafter the applicant) seeks orders:

1. THAT the Honourable court be pleased to order the Respondent to sign the Transfer Forms and all the necessary documents in favour of the Applicant for parcel title No.NYA/OL JOROOROK SALIENT 941.
2. That in the alternative the Honourable court do authorise its Deputy Registrar to sign the Transfer documents for the above mentioned parcel in favour of the applicant.
3. That costs of this application be provided for.

The application is based on the applicant's affidavit and three (3) grounds namely:

- a) That No.NYA/OL JOROOROK SALIENT 941 was bought by the Deceased from the Respondent and the Transfer has never been fully effected
- b) That the Applicant is the beneficial owner vide Certificate of Confirmation a grant in High Court Succession Cause No.674 of 2006.
- c) That the Nyandarua District Land Adjudication and Settlement office where the records are have no objection to the said transfer.
- d) That the applicant has been in occupation and use of the said land since the year 1985.

The gist of the application is that the applicant and Priscah Wangeci Wangai were appointed administrators of the estate of Solomon Wangai Ndirangu (deceased) on 19th September, 2014 and the grant was confirmed.

It has proved difficult to effect transfers or transmission as Priscah is sickly and of advanced age hence unable to perform her duties as an administrator effectively. This fact is confirmed by the two (2) annexures to the supporting affidavit, being the letter by Assistant Chief, Paul H. Kaguai of Kiania Sub-location and the medical report by Dr. Swaleh of Ol Kalou hospital.

My attention is also drawn to the consent by all the beneficiaries which is duly executed and dated 25th June, 2015. Priscah too has signed the consent.

On the material before me, the application before court is merited to give full effect to the grant herein and to facilitate the winding up of the estate herein.

Consequently, I allow the summons dated 25th June, 2015 in terms of prayers 1, 2 and 3. No orders as to costs.

Dated, Signed and Delivered at Nakuru this 8th day June, 2016.

A. K. NDUNG'U

JUDGE