



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 1516 OF 2008**

**IN THE MATTER OF THE ESTATE OF KARORI KIHAGI (DECEASED)**

**RULING**

1. The application for determination is the summons for revocation of grant dated 8<sup>th</sup> July 2014.
2. From the prayers it is quite clear that the applicant is seeking the annulment of the orders made on 27<sup>th</sup> June 2014 confirming the grant.
3. The discretion given to the court by section 76 of the Law of Succession Act, Cap 160, Laws of Kenya, is for revocation of grants where there were problems with the process of the making of the grant, difficulties with administration and where the grant has become useless and inoperative.
4. The discretion is not exercisable for the purpose of setting aside orders made on the confirmation of the grant. A party aggrieved by the orders made at the confirmation of the grant ought to challenge them by way of review or appeal. There is no discretion to set aside the said orders in purported exercise of the powers conferred by section 76 of the Act.
5. The application dated 8<sup>th</sup> July 2014 is no doubt incompetent for the reasons given above. I shall accordingly dismiss it with costs.
6. The record indicates that the estate comprises of assets situated within Githunguri, of Kiambu County. The matter shall accordingly be transferred to the High Court of Kenya at Kiambu for disposal.
7. It is so ordered.

**DATED, SIGNED and DELIVERED at NAIROBI this 26<sup>TH</sup> DAY OF OCTOBER, 2016.**

**W. MUSYOKA**

**JUDGE**