



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MURANG'A**

**SUCCESSION CAUSE NO 187 OF 2014**

**IN THE MATTER OF THE ESTATE OF KABITHI KARIRI - DECEASED**

**MUKAMI MWANGI.....APPLICANT**

**VERSUS**

**RENISON IRUNGU KARANJA..... ADMINISTRATOR/RESPONDENT**

**J U D G M E N T**

1. The Applicant in the summons dated 21/03/2014 for revocation of grant, **Mukami Mwangi**, is a daughter-in-law of the Deceased **Kabithi Kiriri**, as she is the widow of a deceased son of the Deceased. The Administrator is a son of the Deceased. There is another son called **Robert Maina Karanja**. He is alive and well. The Applicant's complaint is that she was partially disinherited upon confirmation of grant in that she only got about one-third of what her deceased husband was entitled to in the estate of the Deceased.

2. When the summons for revocation of grant came up for hearing on 25/07/2016, the two learned counsels for the parties perused the original record of the lower court in ***Murang'a SPM Succession Cause No 5 of 2011***. The court also perused that record. This is what came out of close scrutiny of the lower court record -

(a) Whereas there was an application to confirm grant in the lower court by summons dated 20/06/2012, and there is a certificate of confirmation of grant dated 6/09/2012 in that record, there are no proceedings in the original lower court record to show that the summons to confirm the grant was heard and allowed.

(b) Whereas the grant of letters of administration intestate was issued on 03/08/2012, the order of confirmation of grant is stated in the certificate of confirmation to have been made on 11/07/2012 (a date **preceding** issuance of the grant!). The certificate itself was issued on 06/09/2012.

(c) The grant of letters of administration intestate itself states that it was made on 15/05/2012, yet the order on the court record says that the order for issuance of the grant was made on 03/08/2012.

3. It is thus clear, and it is common ground, that the proceedings to obtain and confirm the grant in the lower court were thoroughly defective and possibly fraudulent. The only remedy is to annul the grant of letters of administration intestate issued on 03/08/2012 and cancel the certificate of confirmation of grant dated 11/07/2012. It is so ordered. All the properties comprising the estate of the Deceased shall revert unto his name. Any interested party may apply for a fresh grant in fresh proceedings. Parties shall bear their own costs in these proceedings.

**DATED AND SIGNED AT MURANG'A THIS 13<sup>TH</sup> DAY OF OCTOBER 2016**

**H P G WAWERU**

**JUDGE**

**DELIVERED AT MURANG'A THIS 14<sup>TH</sup> DAY OF OCTOBER 2016**