



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 1394 OF 1994**

**IN THE MATTER OF THE ESTATE OF MICHAEL KIURA NJUGUNA alias MICHAEL NJUGUNA (DECEASED)**

**RULING**

1. The application for determination is a summons dated 22<sup>nd</sup> October 2015.
2. Although the same is expressed to be a summons for revocation of grant and is founded on, among other provisions, section 76 of the Law of Succession Act, Cap 160, Laws of Kenya, counsel, at the hearing of the application on 26<sup>th</sup> January 2016 clarified that the administrators were not seeking revocation of the grant but cancellation of certain titles.
3. The case by the administrators is that two assets of the estate, that is to say Kagaari/Kanja/225 and Kyeni/Kagumo/574 had been erroneously transmitted to the name of the previous administrator of the estate, who is now deceased. They would like the transmission cancelled so that the two assets revert to the estate.
4. I have perused the record. At the confirmation of the grant on 7<sup>th</sup> August 1995, the entire estate, including Kagaari/Kanja/225 and Kyeni/Kagumo/574, were devolved upon the previous administrator, who was also the widow of the deceased, to hold in trust for herself and all her children.
5. After the widow died, the surviving administrator moved the court for the redistribution of the estate amongst all the children of the deceased. This culminated in the rectification of the certificate of confirmation of the grant on 5<sup>th</sup> October 2009 so that all the assets of the estate, including Kagaari/Kanja/225 and Kyeni/Kagumo/574, were to be distributed equally amongst all the children of the deceased.
6. The administrator avers that when they sought to have the two assets transmitted as per the amended certificate of confirmation of grant they discovered that they had been transferred to the widow absolutely.
7. I am satisfied that the orders sought in the application are merited. Consequently, I hereby grant the application dated 2<sup>nd</sup> October 2015 in the terms proposed.

**DATED, SIGNED and DELIVERED at NAIROBI this 18<sup>TH</sup> DAY OF NOVEMBER, 2016.**

**W. MUSYOKA**

**JUDGE**