



**REPUBLIC OF KENYA**

**IN THE HIGH OF KENYA AT NAIROBI**

**SUCCESSION CAUSE NO. 877 OF 2012**

**IN THE MATTER OF THE ESTATE OF LEONARD KINYANJUI KIMANI (DECEASED)**

**RULING**

Before me is an application dated the 31/10/2013. The applicant seeks to have the grant issued to Paul Njoroge Kinyanjui on the 21/1/2013 revoked.

The applicant avers that they are children of the deceased other wife Margaret Wambui Kinyanjui and that the petitioners misled the court by stating that there was only one house.

The petition was filed by Paul Njoroge Kinyanjui and Samuel Thou Kinyanjui. In their petition they do not mention the applicants. Though served with the application they did not respond. The applicant's averments have not been challenged.

The petitioner failed to disclose that the deceased had another family. Under Section 76 of the Succession Act Cap 160 a court may revoke or null a grant of representation if the grant was obtained fraudulently by invoking of a fake statement or by the concealment from the court of something material to the court. The petitioner canceled a material fact that the deceased had another wife who is now deceased and that he had children with him then applicant. I therefore revoke the grant of administration issued on the 21<sup>st</sup> January 2013 to Paul Njoroge Kinyanjui & Samuel Thuo Kinaynjui for the administration of the estate of Leonard Kinyanjui Kimani. A fresh grant to the estate shall issue in the names of James Kimani Kinyanjui, Patrick Muiru Kinyanui, Paul Njoroge Kinyanjui and Samuel Thuo Kinyanjui jointly to represent the 2 houses of the deceased. costs of the application shall be borne by the respondent.

It is so ordered.

Dated, signed and delivered this 22<sup>nd</sup> day of July 2015.

**R. E. OUGO**

**JUDGE**

IN THE PRESENCE OF:

.....FOR APPLICANT.

CHARITY COURT CLERK