

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 906 OF 1997

**IN THE MATTER OF THE ESTATE OF WANJA GACHUHI alias MARGARET WANJA
GACHUHI (DECEASED)**

RULING

1. The Summons dated 29th April 1997 is premised on Section 76 of the Law of Succession Act, Cap 160, Laws of Kenya. It seeks revocation of the grant of letters of administration intestate made to John Kamau Marigi and Stephen Njoroge Gachuhi on 12th May 1994 and confirmed on 3rd November 1993.
2. From the body of the application and the affidavit sworn in support of the application, it is plain that the applicant is aggrieved about the distribution of the estate, rather than the process of the obtaining of the grant or the manner of the administration of the estate. The matters raised in the application do not bring it within the threshold of Section 76 of the Law of Succession Act.
3. If the applicant is dissatisfied with the mode of distribution of the estate, the proper course of action available to him is review of the confirmation orders or appeal if such remedy is available.
4. I find no basis for grant of the orders sought in the application dated 29th April 1997. The same is hereby dismissed with costs.
5. The matter relates to property situated at Murang'a County, so I do hereby direct that the court file in Murang'a **CMCSC No. 205 of 1993** be returned to the Murang'a Law Courts for further handling by the High Court there.
6. It is so ordered.

DATED, SIGNED and DELIVERED at NAIROBI this 23RD DAY OF OCTOBER, 2015.

W. MUSYOKA

JUDGE