

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSE NO. 270 OF 2008

IN THE MATTER OF THE ESTATE OF THE LATE JOHANA MURIUGA

ELIJAH NYAGA JOHANA.....PETITIONER

VERSUS

JACOB NJAGI JOHANA

MICERATA MIIRURESPONDENTS

RULING

1. The applicants have sought an order of the court to direct the Land Registrar, Embu to cancel and/or revoke the title deed in respect of land parcel No. Kagaari/Kanja/1956, which was issued to the respondent and restore to the estate of Johana Muriuga.
2. The applicants have stated that through succession cause No. 270 of 2008, the grant of letters of administration was revoked by this court (Karanja, J) because the Resident Magistrate lacked pecuniary jurisdiction to issue a grant of letters of administration.
3. The applicants through the 1st applicant have relied on the affidavit of the 1st applicant. According to the 1st applicant in paragraph 5 this court (Karanja, J) revoked the grant of letters of administration, which had been granted by the magisterial subordinate at Runyenjes.
4. According to the applicant, the continued registration of the land in the names of the respondents is illegal and irregular and he is likely to dispose of it.
5. I have considered the affidavit evidence of the applicant which I find credible. I also find that there is in place a valid order of this court (Karanja, J) revoking the grant. This order is dated 25th November, 2010.
6. In the light of the foregoing matters, I direct that the order of this court (Karanja, J) be forwarded to the Land Registrar, Embu for implementation and execution.

RULING DATED, SIGNED and DELIVERED in open court at EMBU this.. 16th .. day of NOVEMBER .2015

In the presence of both counsel and in the presence of the applicant and respondent.

Court clerk Nyaga

J.M. BWONWONGA

JUDGE

16.11.15