



REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAIROBI

MILIMANI LAW COURTS

Succession Cause 2807 of 2006

IN THE MATTER OF THE ESTATE OF ELIZABETH NJOKI KARIUKI (DECEASED)

RULING

A grant of Letters of Administration intestate was made to **Erastus Thuo Kariuki** on 2nd November 1998. It was confirmed on 26.5.1999 when a Certificate of Confirmation of a Grant was issued. The estate of the deceased was identified and in the Affidavit in support of the Application for Confirmation of Grant, **the Administrator, Erastus Thuo Kariuki**, averred that the Estate of the deceased should vest in his name in its totality. The Estate comprises of;

- a) *Land Parcel No.Kikuyu/Kikuyu/Block 1/56*
- b) *ICDC Account No.06729606; ICDC Certificate No.11071*
- c) *ICDC Certificate No.036962;*
- d) *Postbank A/C No.KLIM 2979;*
- e) *E.A.B.S. A/C No.53237;*
- f) *Kenya Breweries A/C NO.0036005-66/RHM/88;*
- g) *Karai Farmers Coop Soc. – Ballot No.23;*
- h) *ICDC Investments Co. Ltd.*

The deceased, Elizabeth Njoki Kariuki, died on 11.12.1995, and was survived by **three sons**, namely **Erastus Thuo Kariuki, Bernard Kariuki Mwangi** and **Amos Chege Kariuki**.

Bernard Kariuki Mwangi filed an application by a summons dated 6.10.2009 seeking revocation of the Grant. The Administrator, Erastus was served with it severally but did not file any Replying Affidavit or attend court.

It is my finding that the decision to vest the entire estate in Erastus Thuo Mwangi alias Erastus Thuo Kariuki was wrong as he was not the only child and heir of the deceased.

Accordingly, I revoke the Grant made on 2.11.1998 to Erastus Thuo Kariuki and the Confirmation thereof.

I direct that a fresh Grant shall be made to all the three surviving sons of the deceased namely Bernard Kariuki Mwangi, Amos Chege Kariuki and Erastus Thuo Kariuki. The new Administrators shall proceed to apply for confirmation of the Grant and distribution of the Estate.

Any registration of any dealing in the title No.Kikuyu/Kikuyu/Block1/256 from the name of the deceased shall forthwith be cancelled and the title restored in the name of the deceased, Elizabeth Njoki Kariuki. Similarly, the shares held by the deceased in the various bodies shall be restored to the deceased's name.

**Dated at Milimani Law Courts, Nairobi, this 16th day
of February 2012.**

G.B.M. KARIUKI, SC

JUDGE

COUNSEL APPEARING

Mr. Bernard Kariuki Mwangi the Applicant in person

Ms Pamela Osodo - Court Clerk