



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT NAIROBI**

**MILIMANI LAW COURTS**

**Succession Cause 1983 of 2009**

**IN THE MATTER OF THE ESTATE OF JANE NJOKI NJOROGE alias NJOKI NJOROGE  
(DECEASED)**

**IBRAHIM NDORONGO NJOROGE.....APPLICANT/CO-ADMINISTRATOR**

**SOLOMON NJENGA NJOROGE.....RESPONDENT/CO-ADMINISTRATOR**

**RULING**

This Ruling relates to the Summons dated 18.12.2009 filed in court on 22.12.2009 by **Ibrahim Ndorongo Njoroge**. I have perused it along with the **Succession Cause No.5 of 2007** filed in Limuru in respect of the Estate the late **Jane Njoki Njoroge, deceased**.

The deceased, Jane Njoki Njoroge, died on 16.10.2000 at Thigio town. She was survived by her two sons, **Ibrahim Ndorongo Njoroge** and **Solomon Njenga Njoroge**. These were the legitimate heirs to her estate which comprised **(1) land parcel No.Ndeiya/Kiroe/T.53; (2) Land parcel No.Ndeiya/Makutano/406; (3) Tigoni/Mabrouke/Block 1/2017 and (4) White Rock Farm at Subukia No.2303**. The Senior Principal Magistrate Court at Limuru made on 24.4.2007 a Grant to the two sons of the deceased, namely, **IBRAHIM NDORONGO NJOROGE** and his brother **SOLOMON NDORONGO NJOROGE**. The Grant was confirmed on 4.12.2008 with the two sons of the deceased as administrators sharing out between them the Estate of their mother.

On 16.9.2009 **Isaac Ndorongo Njoroge** (the Applicant) filed in this court Summons for revocation of the Grant made in the Limuru Court as aforesaid. He described himself as “lawful dependant” of Jane Njoki Njoroge who was in fact his grandmother as she was his father’s mother. The reason advanced for revocation of the Grant is that the Limuru Court had no jurisdiction as the properties constituting the Estate of the deceased were in excess of the jurisdiction of the court which was limited to Shs.100,000/=. It was contended that the properties were valued in excess of Shs.2 million. The valuation report relied on was made on 2<sup>nd</sup> July 2009 by Gimco Limited long after the Grant had been issued and confirmed. It was not a valuation report reflecting the value of the Estate at the material time when the deceased died or when the court adjudicated on the matter of the Grant.

At any rate, the Applicant was not an heir and his claim that he was a dependant of his deceased grandmother is not buttressed by any evidence. Moreover, at the time of making of the application, dependency was not alleged. Not being either an heir or a dependant, the Application by the Applicant has no legal basis and the order sought for revocation of the Grant is misplaced.

Mr. B. M. Isindu, the learned counsel for the Applicant urged the court to allow the summons for the revocation of the Grant. The main thrust of his argument was that the Limuru Court had no jurisdiction as the value of the estate was for in excess of the pecuniary jurisdiction of the Limuru Court. Mr. Kinyanjui, the learned counsel for the Respondent opposed the Application and pointed out that the Petition before the Limuru Court showed that the Estate of the deceased was shown to be Shs.100,000/= which was within the jurisdiction of the Limuru Court.

I have perused the Applicant's application as amended as well as the Replying Affidavit. There is no merit in the argument that the Limuru Court did not have jurisdiction. The Petition before the court at Limuru showed that the Estate of the deceased at the time was valued at Shs.100,000/=. The heirs to the Estate were the deceased's two sons to whom the Grant of Letters of Administration intestate was made and subsequently confirmed. The Applicant is a son of one of these two brothers, namely Ibrahim Ndogoro Njoroge. He has turned out to be a busy body intent on getting the grant in his name under the guise that he was a dependant of his grandmother. I reject his claim and attempt to destabilize and disrupt the family through his spurious claim. I find no merit in the application which I hereby dismiss. The Applicant shall pay costs to the Respondent.

**Dated at Milimani Law Courts, Nairobi, this 22<sup>nd</sup> day**

**Of March 2012.**

**G.B.M. KARIUKI, SC**

**JUDGE**

**COUNSEL APPEARING**

***Mr. B. M. Isindu advocate for the Applicant/Co-Administrator***

***Mr. Kanyangi advocate for the Respondent –Co administrator***

***Mr. Kugwa – Court Clerk***