



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NYERI**  
**SUCCESSION CAUSE NO. 279 OF 2009**  
**IN THE MATTER OF THE ESTATE OF**  
**KARIUKI NYAGA KARIUKI.....DECEASED**  
**AND**  
**CHARITY NDUTA KARIUKI.....APPLICANT**  
**Versus**  
**EDES WANGUI WAMBUGU.....RESPONDENT**  
**RULING**

The subject matter of this ruling is the summons for revocation and annulment of grant dated 11<sup>th</sup> March 2009. The summons was taken out by Charity Nduta Kariuki, hereinafter referred to as the Applicant. The Respondent filed an affidavit in support of the summons. Edes Wangui Wambugu hereinafter referred to as the Respondent filed two replying affidavits to oppose the summons. She also elicited the support of one Richard Nyaga Kariuki who filed a replying affidavit to oppose the summons.

I have considered the rival submissions and averments. The applicant has raised two main grounds to persuade this court to revoke the grant. First, it is said that she was not consulted nor involved in the process. Secondly, she alleged that she was excluded from sharing the estate. The Respondent on her part is of the view that the Applicant was involved throughout the process of seeking for the grant. It is alleged she even attended court during the hearing of the confirmation of grant on 11<sup>th</sup> March 2009 and that she gave consent on the mode of distribution. The Respondent further pointed out that the Applicant had been settled by the deceased in his lifetime on L.R. no. Githi/Ithanji/462. It is said she also benefited from L.R. no. Githi/Ithanji/463 which she later sold. The Respondent stated that she took into account those benefits the applicant had received inter vivos as required under s 42 of the Law of Succession Act.

Having considered the submissions from both sides I am convinced by the submissions of the Respondent that the Applicant was involved in the process of obtaining grant. I am also convinced that she was sufficiently provided for inter vivos by the deceased.

In the end I seek no merit in the summons for revocation of grant dated 11<sup>th</sup> March 2009. The same is dismissed. I direct each party to meet her own costs.

Dated and delivered this 29<sup>th</sup> day of July 2011.

J.K. SERGON  
JUDGE

In Open Court in the presence of Mr. Kingori the petitioner N/A Muhoho for the Respondent.

J.K. SERGON  
JUDGE