



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU
Succession Case 1182 of 2002

IN THE MATTER OF THE ESTATE OF KARANJA GAKINDI..DSD

AND

NJOKA KARANJA.....APPELLANT

VERSUS

STEPHEN NJAGE KARANJA.....1ST OBJECTOR

KARIUKI KARANJA.....2ND OBJECTOR

JUDGMENT

After the death of deceased, Karanja Gakindi who died on 13/12/1962 his wife Njoka Karanja petitioned for a grant of letters of Administration intestate. She filed form P & A5 showing the beneficiaries of deceased. She described herself as first wife and there was second wife and third wife who are now deceased. She also disclosed that the assets of deceased was parcel Gaturi/Nembure/3020 the green card shows that the size was 8 acres. Then on 2/2/2006 objection to making grant was filed by :-

1. Stephen Njagi Karanja
2. Kariuki Karanja

The grounds of objection are stated on the application and supporting affidavit namely:-

1. That the objectors are entitled to apply for a grant
2. That the petitioner did not inform other beneficiaries or consult them.
3. That there were other beneficiaries not disclosed but she only included her sons some of whom had died
4. That the application is defective and she has concealed material facts.

The affidavit shows that the deceased had already distributed his land among his sons leaving only 8 acres for his home with his wives. After death each house was entitled to share the 8 acres. The parties also gave oral evidence in court. It is clear to me that the petitioner though widow of deceased is not capable of distributing the estate. She deliberately omitted to include all the beneficiaries of the deceased. Her relationship with the other beneficiaries (the objectors) is not cordial. In the circumstances, I allow the

objection and order invoking the discretion of court order Section 66 of Cap 160 that a grant of letters of Administration be issued to the two objectors and a third one from the petitioners house to be nominated so that there shall be one representation of each of three houses.

There will be no order as to costs.

Dated this 8th May, 2008.

J. N. KHAMINWA

JUDGE

8/5/2008

Khaminwa – Judge

Njue – Clerk

Stephen Njagi Karanja

Kariuki Karanja

Read in open court

J. N. KHAMINWA

JUDGE