



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT EMBU**

**Misc Civ Appli 29 of 2005**

**FRANCIS THIAKA NJAGI.....1<sup>ST</sup> APPELLANT**

**JAMES NJAGI THIAKA .....2<sup>ND</sup> APPELLANT**

**JUSTIN NGUGI THIAKA .....3<sup>RD</sup> APPELLANT**

**VERSUS**

**MARY KANINI MURIITHI.....1<sup>ST</sup> RESPONDENT**

**FRANCIS WACHIRA MURIITHI.....2<sup>ND</sup> RESPONDENT**

**JOSEPH WAWERU MURIITHI.....3<sup>RD</sup> RESPONDENT**

**STEPHENSON GIKUNJU THIAKA.....4<sup>TH</sup> RESPONDENT**

**JUDGMENT**

There is before the court an application for annulment of grant on the ground that it was obtained by non disclosure of material facts. I have perused the application and the supporting affidavit together with annextures and I find that while the first grant was issued and confirmed and it is still under appeal **No. 188/1995 at Nairobi** the applicant moved to the court of **Resident Magistrate's Court Kerugoya** and filed Succession Cause **No. 52/2002** in the same estate and got the grant and got it confirmed. This conduct shows the fraudulent intention in obtaining the second grant.

I therefore allow application and grant orders as prayed.

Costs to the applicants.

Dated this 3<sup>rd</sup> July, 2006.

**J. N. KHAMINWA**

**JUDGE**

**3/7/2006**

**Khaminwa –Judge**

**Njue - Clerk**

**M/S Wairimu**

**Ruling read in her presence.**

**J .N. KHAMINWA**

**JUDGE**