



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of the Late Julia Njoki Wakaba (Deceased) (Succession Cause 1675 of 2008) [2025] KEHC 3295 (KLR) (Civ) (20 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3295 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CIVIL
SUCCESSION CAUSE 1675 OF 2008
HK CHEMITEI, J
MARCH 20, 2025

BETWEEN

CAROLINE WAMBUI WAKABA 1ST APPLICANT

STEPHEN MUIRURI 2ND APPLICANT

AND

PAUL WAKABA KANINI RESPONDENT

RULING

1. Vide their application dated 11th May 2022 the Applicants are seeking for revocation of the certificate of confirmation of grant issued to the respondent jointly with Stephen Muiruri on 11th November 2009.
2. The gist of the application is that the respondent who is the applicants father obtained the said grant without disclosing the existence of the applicants.
3. The second Respondent who is the respondent's brother in law has sited with the Applicant and he claims in his supporting affidavit dated 10th May 2022 that he was not aware why his name was included in the grant and that he did not sign the documents. He seeks therefore that the grant be revoked.
4. The Respondent vide his replying affidavit dated 2nd May 2023 in which he has opposed the revocation of the grant has instead prayed that since it was only the name of the 1st Respondent which was left out and since she is her child with the deceased, the best approach is to amend the grant so as to incorporate her name.
5. He stated further that he had a life interest in the deceased estate by virtue of being her husband and that in any case he was holding it in trust for the children.



6. The court directed the parties to file written submissions and I have perused the same and see no reason to reproduce them here.
7. In my considered view, this is a matter which ought to have been settled long time ago. The issue at hand put simply is the missing of the name of the 1st Applicant in the confirmed grant. There is no doubt that she is the deceased child together with the respondent. The respondent was granted the grant in trust for the children and himself since he has a life interest.
8. None of the parties has refuted the above relationship and the court rightfully directed the respondent to hold the parcel of land namely Muguga/muguga/L.1486 and the money with the Public Trustee “to be registered in their names to hold in trust for the following children in equal shares namely...”
9. The court proceeded to indicate the names of the children and it is only the 1st Applicants name that is missing. For whatever reason the respondent left her out, he has admitted that it ought to be included.
10. As regards the 2nd Applicant and since he does not want to be part of these proceedings the court see no reason to have him remain as an administrator. In any even I think that all the beneficiaries are now adults and they can stand on their own.
11. His name is therefore expunged from the grant so that it is only the Respondent who shall be the administrator of the estate herein
12. Consequently, I do not find any reason to revoke the grant. The efficacious way is to amend or rectify it so as to include the 1st Applicant. All the other details shall remain so.
13. In the premises the court directs that:-
 - a. The confirmed grant dated 11th November 2009 is hereby rectified to include Caroline Wambui Wakaba as a beneficiary.
 - b. Costs in the cause.

DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 20TH DAY OF MARCH 2025.

H K CHEMITEI

JUDGE

