



REPUBLIC OF KENYA



In re Estate of Festus Gakuo Gikuri (Deceased) (Succession Cause 559 of 2012) [2025] KEHC 3486 (KLR) (17 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3486 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE 559 OF 2012
DKN MAGARE, J
MARCH 17, 2025**

BETWEEN

CURTIS GAKUO WAHIO APPLICANT

AND

HANNAH MUTHONI GAKUO 1ST RESPONDENT

TITUS TAITI GAKUO 2ND RESPONDENT

RULING

1. The matter has been fully dealt with. The Applicant admits being aware of the matter. He has never prosecuted the application for the last 9 years. I have perused the same and note that none of the reasons set out in Section 76 of the *Law of Succession Act* apply to the Applicant.
2. There is prima facie nothing to hear. A question of acreage is for the administrators to deal with. In any case all parties are fully provided for. The matter cannot remain ad infinitum in court. The same is consequently dismissed with disbursements of Kshs 20,000/= payable within 30 days to the 2nd Respondent.
3. Noting the death of the 1st Respondent, I shall strike out her name and re-issue the Grant and Certificate of Confirmation to the remaining administrator who shall conclude the estate within 6 months, that is by 17/9/2025.
4. The Deputy Registrar to give all necessary assistance in execution of transmission documents. Any property in the names of deceased dependents shall be registered in the names of those deceased dependents. The administrator to sign on their behalf.
5. The file is closed.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 17TH DAY OF MARCH, 2025.
RULING DELIVERED IN OPEN COURT.**



KIZITO MAGARE

JUDGE

In the presence of: -

Miss. Hellen Njoki for the Applicant

2nd Respondent present in person

Court Assistant – Michael

Ms. Njoki – I seek leave.

KIZITO MAGARE

JUDGE

17.3.25

Mr. Gakuo – The matter is an old one. We agree.

KIZITO MAGARE

JUDGE

17.3.25

Court – Leave granted to appeal.

KIZITO MAGARE

JUDGE

