



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Charles Muraguri Njogu (Deceased) (Succession Cause
540 of 2010) [2025] KEHC 2757 (KLR) (6 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2757 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NYERI

SUCCESSION CAUSE 540 OF 2010

DKN MAGARE, J

MARCH 6, 2025

IN THE MATTER OF THE ESTATE OF CHARLES MURAGURI NJOGU (DECEASED)

BETWEEN

GEORGE MAINA MURAGURI APPLICANT

AND

MUMBI MURAGURI 1ST RESPONDENT

EPHRAIM MURIUKI NJOGU 2ND RESPONDENT

RULING

1. The application filed herein seeks to revoke the grant issued to the 1st Respondent. It is dated 30/9/2015. The 1st Respondent is since deceased. The grant became revoked by operation of the law. There is nothing remaining to revoke.
2. Secondly, having transferred the sole property to 2nd Respondent, section 93 of the *Law of Succession Act* sets in.
3. Thirdly, having concluded the estate before his death, there is nothing the parties can administer. Their claim lies elsewhere. This court is alive and bound by the decision of the Court of Appeal in *Mary Wambui Kibunja v Peter Kariuki & Another*. The estate is concluded. The revocation will serve no purpose at all. Further, without an administrator, no proceedings can be maintained herein. In this respect I am persuaded by the decision of Mohamed J, as he then was *in the Estate of Kangethe Mwegu* [2007] eKLR.
4. The only option available is to strike out the said application dated 30/9/2015, which I hereby do. On costs, I shall use the words of Justice Ibrahim in the case of *Kang'ethe (supra)*. The parties will have comfort in being released from these proceedings where they should never have been joined or orders issued against them.



5. Each party shall therefore bear their own costs.

DELIVERED, DATED AND SIGNED AT NYERI ON THIS 6TH DAY OF MARCH, 2025.

RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.

KIZITO MAGARE

JUDGE

In the presence of: -

Ms. Ndirangu for the Applicant

Mr. Wahome Gikonyo for the 2nd Respondent

Court Assistant – Michael

M. D. KIZITO, J.

