



REPUBLIC OF KENYA



**In re Estate of Gichimu Kamau Gachoki (Deceased) (Succession Cause
356 of 2012) [2025] KEHC 4821 (KLR) (24 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4821 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERUGOYA
SUCCESSION CAUSE 356 OF 2012**

EM MURIITHI, J

APRIL 24, 2025

IN THE MATTER OF THE ESTATE OF GICHIMU KAMAU GACHOKI (DECEASED)

BETWEEN

JANEFFER WACUKA GICHIMU (D'CD) 1ST ADMINISTRATOR

PHILISILA MUTHONI GICHIMU (D'CD) 2ND ADMINISTRATOR

AND

NELXON KIURA GICHIMU 1ST APPLICANT

FRANCIS WACHIRA GICHIMU 2ND APPLICANT

RULING

1. Upon a hearing of an application dated 17/4/2024 seeking revocation of Grant on the principal grounds of false statement/concealment of fact that parcel No. Kabare/Gachigu/764 and some beneficiaries were omitted, the Court (Mwongo, J.) on 3/10/2024 gave directions as follows:

“Court:

1. The Applicant to file a fresh Application for Revocation of Grant on grounds that the administrators are both deceased and the Grant is therefore ineffective.
2. The Supporting Affidavit should:
 - a. Exhibit the death Certificates of the Jenneffer Gichimu and Philisila Gichimu;
 - b. Request the Court to include Kabare/Gichigu/764 in Deceased's estate;
 - c. Exhibit title and search for Kabare/Gichigu/764;



- d. Request the appointment of named family members as new Administrators of the estate of the Deceased;
 - e. Include a consent signed by all members including those absent today.
3. The persons who are absent should be present and avail their Identity cards at the next mention.
 4. This should be done within 90 days.
 5. The Applicants to indicate the mode of distribution of the Estate of the deceased.
 6. Mention on 28/1/2025.”
2. In compliance with the directions the applicants filed a Summons dated 19/3/2025 for specific reliefs as follows:
- “ 1. That the grant of letters of administration issued to the administrators and confirmed the certificate of confirmation of grant be revoked and annulled on the grounds that:-
- a) The both the administrator and deceased that the grant issued by this honourable court is ineffective.
 - b) The administrator omitted Land Parcel no. Kabare/Gachigi/764 which form part of the estate of the late Gichimu Kamaugachoki.
2. That a grant of letters of administration be consequently issued to the applicant and be confirmed as per paragraph 7 of the supporting affidavit.
3. Costs of this Application be provided for.”
3. The proposal for distribution of the Estate was set out in paragraph 7 of the Applicants’ Supporting Affidavit of 19/3/2025, which is as follows:
- “ 1. That we are the Applicant herein and hence competent to swear this Affidavit.
2. That we filed the petition herein and the administrators herein were issued with letters of administration and a certificate of confirmation of grant.
3. That both the administrators herein are deceased. "Attached and marked "NKGI (a) and (b)" is a copy of the death certificates.
4. That the administrators did not disclose to this honourable court that the Deceased had another parcel of land being Land Parcel no. Kabare/Gachigi/764 which form part of the estate of the late Gichimu Kamau Gachoki. "Attached and marked" KG2(a) and (b) is a copy of the title deed and search.
5. That The Late Gichimu Kamau Gachoki was survived by the following:-
- a) Joseph Miano Gichimu
 - b) Symon Mwai Gichimu



- c) Justus Mboi Gicimu
- d) Francis Wachira Gichimu
- e) Nelson Kiura Gicimu
- f) Majory Muthoni Mwai
- g) Grace Wakabu Gichimu
- h) Mary Gichugu Gichimu
- i) Wanjiru Gichimu
- j) Alabina Ruguru Gichimu.

6. That the estate comprises of the following:-

- A. Land Parcel No. Ngar 1ama/lower/ngariamaj/1032.
- B. Land Parcel No. Kabare/Gachigi/764.

7. That the identification and shares of all persons beneficiary to the said estate have been ascertained and determined as follows:-

Land Parcel No. Ngariam 1vlowerlngariamaj1032

Grace Wakabu Gicidmu

Mary Gichugu Gichimu

Wanjiru Gichimu

Alabina Ruguru Gichimu.....share Equally.

Co-operative Bank Account I 0.01xxxxxxxx [should this asset be the Kabare/Gichigu/764 as no mention of a bank account in the application? See application for confirmation of Grant dated 27/1/2025]

Joseph Miano Gichimu

Symon Mwai Gicimu

Justus Mboi Gicimu

Francis Wachira Gichimu

Nelson Kiuragicimu

Majory Muthoni Mwal..... Share Equally.

8. That no estate duty is pay-able (or remains unpaid) in respect to the estate of the deceased person herein.

9. That all dependants do consent to the summons for revocation of grant and the mode of distribution. "Attached is a copy of the consent."

4. At the hearing on 24/3/2025, the beneficiaries attended and confirmed their consent to the application in a list countersigned by the Court as follows:



1. Justus Mboi Gicimu
 2. Grace Wakabu Kinyua
 3. Joseph Miano Gicimu
 4. Rose Wanjiru Gicimu
 5. Symon Mwai Gicimu
 6. Alabina Ruguru Gicimu
 7. Mary Gicugu Gicimu
 8. Nelson Kiura Gicimu
 9. Majory Muthoni Mwai
5. The Court has noted the concurrence of the beneficiaries to the proposed distribution of the estate. The same is approved. The new administrators will have six months to effect the distribution and close the old succession proceedings.

Orders

6. Accordingly, for the reasons set out above, the Court grants the application by Summons dated 19/3/2025 for revocation of Grant, appointment of new administrators and confirmation of the Grant for distribution as prayed.
7. The Court will, therefore, make the specific order sought in paragraphs 1 (a) and (b) and 2 of the Summons dated 19/3/2025.
8. There shall be no order as to costs.
9. File closed.

Order accordingly.

DATED AND DELIVERED THIS 24TH DAY OF APRIL 2025.

EDWARD M. MURIITHI

JUDGE

Appearances:

Parties in Person

