



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**In re Estate of Wilson Kamuri Nganga (Deceased) (Succession Cause
E69 of 2023) [2025] KEHC 9576 (KLR) (4 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9576 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE E69 OF 2023**

JM NANG'EA, J

JULY 4, 2025

IN THE MATTER OF THE ESTATE OF WILSON KAMURI NGANGA(DECEASED)

BETWEEN

**MARTHA WAITHERA GUSHU ALIAS MARTHA WAITHERA
NGANGA 1ST OBJECTOR**

DOMINIC NGIGI NG'ANG'A 2ND OBJECTOR

AND

HARUN KUNGU KAMURI 1ST PETITIONER

ESTHER MUTHONI KAMURI 2ND PETITIONER

RULING

1. The 1st Objector lays claim to a parcel of land known as Gilgil/Gilgil Block 1/7785 which is listed as part of the Estate of the deceased herein. By ruling of my brother H. M. Nyaga (Judge) delivered on 1/3/2024 on the Objectors' application of 27/9/2023, it was directed that the Land Registrar concerned does provide all entries in the relevant register relating to the property to establish if it has ever been registered in the name of the deceased, before the court could issue further orders thereon.
2. The Land Registrar Naivasha appeared in Court on 10/7/2024 and gave the history of registration or ownership of the property in question. *Inter alia*, the same was transferred to Wilson Kamuri Ng'ang'a who is the deceased herein on 22/12/2016. On 17/10/2017 it was again transferred to Sammy Ng'ang'a Kamuri who is also now deceased. On 29/3/2023 the property was yet again transferred to Martha Waitthera Guchu, 1st Objector herein and title issued to her. The Lands Office's Green Card showing the registration history of the said parcel No. Gilgil/Gilgil Block 1/7785 was tendered for the court's further perusal.



3. The parties were thereafter invited to address the court regarding the contention over the property. Learned Counsel for the parties put in submissions concerning the information provided by the Land Registrar. I have perused the submissions against the record. What transpires is that Land Parcel in issue was registered in the deceased's name on 22/12/2016 before it went through other transfers culminating in its registration in the name of the 1st Objector on 29/3/2023. A restriction entered against the title at the instance of one Monica is the last entry in the register as at the time of the Land Registrar's testimony in court.
4. The 1st Objector submits that in the circumstances she is the prima facie legal owner of the land in question. It is contended that this court cannot inquire into whether or not there was fraud in the transfer of the land to the 1st Objector.
5. The Petitioners submit that both purported transfer in favour of the said Sammy Ng'ang'a Kamuri (deceased) and the 1st Objector are fraudulent as they were not supported by necessary documentation as revealed by the Land Registrar. In any event, it is contended that the deceased Sammy Ng'ang'a Kamuri was long dead when he ostensibly transferred the land to the 1st Objector.
6. Having perused the parties' submissions, the Land Registrar's evidence and the record, it is common ground that the said contentious Land Parcel No. Gilgil/Gilgil Block 1/7785 is now registered in the name of the 1st Objector who claims to have bought it from Sammy Ng'ang'a Kamuri (deceased) who in turn purchased the land from the deceased herein. The Petitioners allege fraud in the transfers and want the land to revert to the deceased's Estate for transmission to lawful beneficiaries.
7. There are indeed apparent irregularities in the impugned transfers to the extent that documents in support are unavailable according to the Land Registrar. I, however, concur with the 1st Objector's advocates that this court may not have jurisdiction in these proceedings to determine whether or not the questioned transfers were fraudulent. It would seem to me that this is the exclusive Province of the Environment and Land Court with the requisite pecuniary jurisdiction.
8. In the premises, the subject Land Parcel No. Gilgil/Gilgil Block 1/7785 is also excluded from the Estate of the deceased herein.
9. The Petitioners may proceed to take further necessary action in the administration of the deceased's Estate.

J. M. NANG'EA, JUDGE.

RULING DELIVERED THIS 4TH DAY OF JULY, 2025 IN THE PRESENCE OF:

Petitioners Advocate, Ms Omondi

1st Objector's Advocate, Ms Kinuthia

Court Assistant (Jeniffer)

J. M. NANG'EA, JUDGE.

