



**In re Estate of Joseph Mukuri Mungai (Deceased) (Succession Cause 357 of 2020)  
[2025] KEHC 13158 (KLR) (Family) (25 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13158 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 357 OF 2020  
HK CHEMITEI, J  
SEPTEMBER 25, 2025  
IN THE MATTER OF THE ESTATE OF THE LATE  
OF JOSEPH MUKURI MUNGAI (DECEASED)**

**BETWEEN**

**JOSEPH MWANGI MUKURI & 2 OTHERS ..... APPLICANT**

**AND**

**MICHAEL MUNGAI MUKURI ..... RESPONDENT**

**RULING**

1. In their application dated 27<sup>th</sup> September 2023 the Applicants seek the following orders:-
  - (a) That permanent orders of injunction do issue against the Respondent his servants and or agents from occupying trespassing or levying rent or in any way dealing with land parcel number 36/V/273 Juja Road Nairobi.
  - (b) That summons do issue against the Respondent to show cause why he has continued to disobey the decree and order of this court dated 28<sup>th</sup> April 2023 and 9<sup>th</sup> August 2023.
  - (c) That the OCS Depot police station be directed to enforce compliance of the orders herein.
2. The application is based on the grounds thereof and the sworn affidavit of Peter Mundia Mukuri sworn on the same day and the annexures thereto.
3. The application has been opposed by the Respondent vide his replying affidavit sworn on 4<sup>th</sup> November 2024.
4. The issues herein are relatively clear as can be discerned from the two rival affidavits.



5. Vide a judgement of this court dated 28<sup>th</sup> April 2023 the court revoked the grant which had been issued to the Respondent and one Monicah Wambui Mukuri.
6. It is the Applicants case that the suit property namely LR NO 36/V/273 formed part of the deceased estate. The Respondent has however continued to use and enjoy the rentals from the said property despite the knowledge that the grant in his favour had been revoked.
7. The Applicants aver that all efforts to wrestle the same from the Respondent have been fruitless since he has employed goons to guard the place and to compel the tenants to pay him the rent.
8. Further and after the grant was revoked the Applicants were appointed as joint administrators of the estate and it is therefore their responsibility to ensure that the estate is well managed.
9. The Respondent's opposition to the application stems from the argument that he is the registered owner of the land having purchased it from the said Monicah Wambui Mukuri and the Applicants have no right over the same.
10. That the matter was now pending before the Environment and Land Court where he has sought injunctive reliefs against the Applicants. He should therefore be allowed to enjoy exclusively the property which no longer forms part of the estate herein.

#### **Analysis and determination**

11. Although the parties were granted time to file submissions there is no evidence of such on record.
12. Be it as it may I find the application meritorious for the following reasons.
13. In the first instance the grant dated 27<sup>th</sup> October 2021 which had been issued by Achode J (as she then was) was nullified vide the judgement of this court dated 28<sup>th</sup> April 2023. The said judgement revoked the grant which had been issued to the Respondent and his mother. There is no evidence of an appeal against it or an application for review.
14. The net effect of the revocation meant that all the consequences of the grant were null and void. The transfer of the suit property to the Applicant on 23<sup>rd</sup> February 2023 or any other date was nullified by the orders of this court of 28<sup>th</sup> April 2023.
15. The property therefore reverted to the estate and it is upon the current administrators to ensure its protection and management until the grant in their favour is confirmed.
16. This court shall not comment on the suit pending before the Environment and Land Court for want of jurisdiction.
17. For the above reasons therefore, I do not find merit in the Respondent's opposition to the application.
18. The application is therefore allowed as prayed.
19. The Applicants are further directed to apply for the confirmation of grant issued to them within 45 days from the date herein.
20. Costs to the Applicants.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 25<sup>TH</sup> DAY OF SEPTEMBER 2025.**

**H K CHEMITEI**



**JUDGE**

