



**In re Estate of Joseph Njane Karuma (Deceased) (Succession Cause
45 of 2017) [2025] KEHC 12599 (KLR) (16 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 12599 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 45 OF 2017
SM MOHOCHI, J
SEPTEMBER 16, 2025**

IN THE MATTER OF THE ESTATE OF JOSEPH NJANE KARUMA (DECEASED)

BETWEEN

**PETER NJENGA NJANE 1ST APPLICANT
JOHN MUTHABURE NJANE 2ND APPLICANT
ZACHARIA MAINA NJENGA 3RD APPLICANT
LUCY WANJIRU NJANE 4TH APPLICANT
MARTIN NGIGI NJANE 5TH APPLICANT**

AND

JANE WANJIKU NJANE RESPONDENT

RULING

Introduction

1. Before me is a summons for revocation or annulment of a grant dated 19th October 2018 by five adult beneficiaries of the twelve surviving beneficiaries.
2. The Applicants seek the revocation or annulment of the grant made on the 18th October 2018 and issue an injunction restraining the Respondent from disposing off any of the properties forming part of the estate.
3. The Application is premised on the grounds that the Administrator had fraudulently and without informing them instituted the succession and upon being issued with a grant distributed the entire estate to herself posing a risk of maladministration and wasting of the estate.
4. That the Applicant became aware of the proceedings when they were served with a hearing notice of the summons for confirmation of grant.



5. The Application was opposed by the Respondent in her sworn Affidavit dated 10th December 2018 where she avers that;
- a. The application is inept, misleading, incompetent, Mala fides and an abuse of the Court process.
 - b. The deceased passed away on the 15th day of October, 2015 intestate and was survived with one wife and twelve children. Moreover, at the time of his demise he left behind several assets and no will to establish the manner in which he wished his estate to be administered.
 - c. Following the demise of the deceased the family held several meetings in the presence of the area chief to discuss the manner in which the deceased estate would be administered in the meantime before legally obtaining the Grant of letters of administration intestate, and also to request the applicants/objectors herein to surrender the deceased death certificate that they had procured without the knowledge of myself and other beneficiaries of the deceased estate and which the same was hindering me from petitioning for the aforementioned Grant of letters of administration intestate.
 - d. The family dialogue bore no fruits forcing the family to further seek assistance from the District Officer (D.O) and later on the District Commissioner (D.C) who in turn advised the family to process another copy of the deceased death certificate and commence the succession process immediately.
 - e. Upon obtaining an alternative copy of the said death certificate proceeded to file the instant petition before this Honourable Court, and was issued with a grant of letters administration intestate on the 11th day of December, 2017.
 - f. On the 6th October, 2018, the Applicants were duly served with a hearing notice together with summon confirmation of Grant. Affidavit in support and Consent to Confirmation of Grant and they blatantly refused and/or declined to sign the said consent for no virtuous reason.
 - g. On the 18th October, 2018 this Court on its own volition deemed it fit to confirm the aforesaid Grant in the absence of the applicants/objectors, having failed/ignored and/or refused to attend Court despite being summoned in good time to attend and having not filed any objection and/or protest to halt the confirmation of the said Grant.
 - h. The confirmed grant only allows her to hold the assets forming part of the estate in trust and not for her own benefit.
 - i. She denied intermeddling, mal-administration, wastage and improper disposal of the assets of the estate of the deceased and accused the applicants of the same as follows;
 - i. Mau Summit/Molo Block 15/81 (Ndungu) - that had initially been leased out by the deceased before his demise to assist him run family errands has currently been occupied by PETER NJENGA NJANE and collects rent from the lessees therein thus solely benefiting from the same.
 - ii. Elburgon Arimi/Ndoshwa Block 3/222 TURI-that had been given to Peter Njenga Njane by the deceased before his demise for purposes of securing a loan is still in his custody and he has refused/declined to surrender the same.
 - iii. Mau Summit/Molo Block 18/79 (Ndungu) that the deceased before his demise had initially leased-out approximately two and a half acres to assist him run the family



errands and given the remaining 2 acres to John Muthabure Njane for purposes of farming to him earn a living in the meantime as he look for his own means but he has currently occupied the entire parcel of land and rented part of it to his in-laws

- iv. LR 9727/11 Nakuru West (Njoro Town) that the deceased before his demise had given two (2) acres to Zacharia Maina Njenga the total four (4) acres for purpose of farming, but currently he occupied the entire parcel of land and leased a part of it the solely earning out of it.
 - j. That the Applicants are unfit and/or in appropriate to be appointed the administrators of the estate of the deceased as prayed for in their application for reasons that most of them are illiterate, alcoholic, unreasonable and particularly a treat to the other beneficiaries including herself being their own mother having treated and/or attempted to assault or kill them on various occasions, show casing a recent case of Martin Ngigi Njane who assaulted her younger sister.
 - k. The allegations by the Applicants are blatant lies and are scandalous, frivolous, and vexatious and a classical example of an abuse of the Court Process.
 - l. The entire proceedings to obtain Grant of representation were done in good faith and were not prejudicial to the Applicants since they were involved all throughout the said process but they chose to be uncooperative/adamant and ignorant thereto,
 - m. That the application was filed out of greed on the part of the Applicants/Objectors herein, and is an afterthought aimed at depriving my right as the lawful administrator to administer deceased estate as expected of me by law, an action which this Honourable Court should not countenance.
 - n. She prayed that she be afforded time to come with a proposal on the mode of distribution of the assets of the deceased to the beneficiaries.
 - o. She prayed for the dismissal of the Application.
6. The Court had directed that the Application be canvassed by way of filled written submissions but none of the parties complied.
 7. The Court equally notes of having afforded the family an opportunity for mediation which failed.

Analysis and Determination

8. Having considered the Application for the revocation of or annulment of the grant, the Supporting and opposing affidavits, this Court has refined the issue to consider to be; whether the Application has merit.
9. The Deceased passed away in 15th October 2015 at the Age of 74 years and it is almost a decade since his demise and his succession is not concluded and the estate is unsettled.
10. Upon the scrutiny of the materials placed be for Court this Court is unable to find fraud against the respondent and notes that the Court was alive to the want of consent by the Applicants but was persuaded that they had duly been served.
11. This Court is equally unable to find any maladministration and wasting of the estate by the Administrator.



12. On the other hand this Court maintains that a personal representative issued with a grant is not a military badge of honour and that an administrator is held to account by the Court and is duty bound upon confirmation of grant to undertake distribution or transmission within 6 months of the confirmation.
13. In this particular instance the Administrator has not in anyway expounded to the Court if she did undertake transmission or distribution as per the confirmed grant for the last seven years.
14. The Introspection by this Court lead it to the conclusion that the Respondent as matriarch has withheld distributing respective share to her adult children opting to hold the same in trust further formenting family disputes.
15. The Court equally notes the contemptuous description of the Applicants by the Respondent who is a matriarch over 90 years old.
16. This Court is of the considered opinion that all the beneficiaries are entitled to their share of the estate and that no basis exists to warrant their continued deprivation.
17. This Court has the inherent power under Rule 73 of the Probate and administration Rules, to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the Court.
18. The Court notes that, the Administrator has offered to distribute the estate if afforded time by the Court, therefor it will be in the best interest that the Court invokes its inherent jurisdiction and make orders that may expedite the conclusion of the succession.
19. This Court finds partial merit in the summons for revocation or annulment of a grant dated 19th October 2018 on the following terms;
 - i. The administrator is forthwith ordered to present for hearing an application for reviewing the grant with a detailed proposed mode of distribution within the next ninety (90) days.
 - ii. The Administrator shall forthwith serve the Application in (i) above to the Applicants.
 - iii. The Applicants shall be at liberty to file they counter proposal on distribution.
 - iv. Failure by the Applicant to comply with order (i) above shall automatically Annul the grant made herein without further reference to the Court and any beneficiary shall at the lapse of ninety (90) be at liberty to petition to be issued with letters of administration.
 - v. Parties shall bear their own costs.

It is so ordered

DATED, SIGNED AND DELIVERED AT NAKURU ON THIS 16TH DAY OF SEPTEMBER 2025.

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S. Mohochi

JUDGE

