



REPUBLIC OF KENYA



**Chege v Chege & another (Family Miscellaneous Application
3 of 2019) [2024] KEHC 3305 (KLR) (2 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 3305 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
FAMILY MISCELLANEOUS APPLICATION 3 OF 2019**

GL NZIOKA, J

APRIL 2, 2024

BETWEEN

PETER MUNGAI CHEGE APPLICANT

AND

PRISCILLAH WAITHIRA CHEGE 1ST RESPONDENT

MARGARET WANJIKU KARIUKI 2ND RESPONDENT

RULING

1. On 30th May 2019, the Hon. Mr. Justice R. Mwongo revoked two grants issued in relation to the subject matter herein. The order was pursuant to the hearing of summons for revocation of grant filed on 27th May 2019.
2. On 21st September 2021, the court heard the matter orally vide the evidence of Peter Mwangi Chege for the Applicant and Priscilla Waithera Kariuki and Margaret Wanjiku Kariuki for the Respondents.
3. On 20th July 2023, Roussos Ritho Mwangi, the Land Registrar based at Naivasha Lands Office whom the court ordered to give evidence herein in relation to property Naivasha/Maraigushu Block 1/2641, and in particular the transaction relating thereto, appeared in court but indicated that, the green card could not be traced. He advised the parties apply for reconstruction of the same.
4. On the same date, the parties agreed to dispose of the matter vide filing of submissions and directions given on the timelines of the same.
5. On the 11th day of December 2023, the court ordered for the filing of a fresh petition of grant following revocation of the two grants issued in respect of the same estate.
6. On 1st February 2024 the court was informed that, the petition for grant had not been filed as the chief had declined to issue a letter citing several letters issued in the past. At the same time, the other parties



held the view that as the subject land herein is a subject of a dispute in the Environment Land Court, the matter herein be marked as closed.

7. However, the applicant holds the view that, the succession matter should proceed as there is no pending ELC matter, the same having been withdrawn.

Court: In view of the aforesaid, I direct as follows:-

That, on the 11th April 2024, when this matter is listed for directions, the parties should prepare for it as follows:-

- a. The applicant to avail evidence that, the ELC matter has been withdrawn
- b. The respondents who hold the view that, the ELC matter is active to provide proof thereof
- c. The parties to prepare and file a document (s) in relation to the beneficiaries (as they perceive them to be) of the Estate, and the assets thereunder, (in particular, the property in dispute)
- d. The parties who wish to file submissions as directed and who has not done so, to file the same before the 10th day of April 2024
- e. The matter be heard on 11th April 2024.
- f. This order to be transmitted to the parties forthwith. The in charge registry to ensure the order is generated and forwarded to the Hon. Deputy Registrar for further action and thereafter forwarded and compliance action filed.

GRACE L. NZIOKA

JUDGE

2/4/2024

