



REPUBLIC OF KENYA



**In re Estate of the Late Joyce Wanjiku Muturi (Deceased) (Succession Cause 3160 of 2003) [2024] KEHC 7437 (KLR) (Family) (20 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7437 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 3160 OF 2003  
HK CHEMITEI, J  
JUNE 20, 2024**

**BETWEEN**

**KARIUKI NGUITHI ..... APPLICANT**

**AND**

**MARTHA WANGARI MWANGI ..... RESPONDENT**

**RULING**

1. In his application dated 19<sup>th</sup> May 2021 the Applicant prays for orders that:-
  - (a) Pursuant to the revocation of grant on 2<sup>nd</sup> December 2014 a further order be made reverting land parcel no Kakuzi /Kirititi Block 9/933 in the name of the deceased Joyce Wanjiku Muturi.
  - (b) An order be made cancelling any and all partitions, subdivisions, transfer or any other dealings in respect to land parcel number Kakuzi /Kirititi Block 9/933.
  - (c) The Land Registrar Thika be directed to effect the orders/prayers in (a) and (b) above if granted.
2. The Applicant prays for costs to be awarded to him.
3. The application is supported by the sworn affidavit of the Applicant as well as the supporting affidavit of Lucy Njeri Nguithi his sister.
4. The application is actually a follow up to the ruling of this court dated 2<sup>nd</sup> December 2014 in which the court cancelled the grant confirmed and dated 28<sup>th</sup> May 1999 and order the suit property namely Kakuzi /Kirititi block 9/933 to be divided among the three siblings.



5. It appears that the Applicant faced hurdles in carrying out the decree and order of this court as the land Registrar demanded a direct order from this court. It further appears that the Respondent went ahead to carry out further subdivisions contrary to the orders of this court.
6. There was no response from the Respondent despite being served.
7. Having looked at the amended decree of this court dated 2<sup>nd</sup> December 2014 I find that there is merit in the application as the prayers are in line with it.
8. In the premises the application is hereby allowed as follows:-
  - (a) All titles emanating from any subdivision, partitions and or transfer of land parcel number Kakuzi /Kirititi/Block 9/933 are hereby cancelled for all intend and purposes.
  - (b) The Land Registrar Thika land registry shall after the above cancellation ensure that title number Kakuzi /Kirititi Block 9/933 is restored and the same shall be sub divided into three equal portions in line with the amended decree from this court dated 22<sup>nd</sup> December 2014.
  - (c) The Applicant shall have the costs of this application.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 20<sup>TH</sup> DAY OF JUNE 2024.**

**H K CHEMITEI**

**JUDGE**

