



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Kiraguri Ruhehera (Deceased) (Succession Cause
205 of 2003) [2024] KEHC 6603 (KLR) (5 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6603 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE 205 OF 2003
DKN MAGARE, J
JUNE 5, 2024
IN THE MATTER OF THE ESTATE OF KIRAGURI
RUHEHERA [DECEASED]**

BETWEEN

SYMON NDIRITU RUKWARO APPLICANT

AND

KARIUKI KIRAGURI 1ST RESPONDENT

NGARI KIRAGURI 2ND RESPONDENT

WAWERU KIRAGURI 3RD RESPONDENT

RULING

1. The estate was concluded by way of judgment delivered on 12/11/2007 by Justice Mary Kasango and read by Justice M.S.A Makhandia J. as he then was.
2. The property Thegenge/Kianjogu/143 was given out to:
 - a. Rukwaro s/o Ruhehera
 - b. Kariuki Kiraguri
 - c. Ngari Kiraguri
 - d. Stephen Waweru Kiraguri
3. The 4 persons are now deceased. The persons dueling are not parties.



4. The Applicant filed summons for revocation of grant. There also others filed by John Kariuki Muraguri on 10/4/2008. There was another summons for revocation of grant filed by Margaret Wanjiru Kiraguri. There was another filed on 24/9/2013 by the current Applicant. It related to cutting of trees.
5. The court issued an order for status quo for Land Parcel No. Thegence/Kianjogu/143 on 29/10/2023. On 10/2/2014 the Applicant filed another application against Symon Mbutu Waweru for contempt.
6. On 30/6/2014 the court ordered for assessment of damages on 7/7/2014 and for reporting on 23/7/2014. The site visit found that 14 trees were pruned. No trees were felled. 11 plants of napper grass had been planted. The trees pruned belong to Symon Ndiritu and also the coffee plantation.
7. On 21/1/2018 the Applicant filed another application dated the same date against Symon Mbutu Waweru.
8. On 21/1/2019 another application was filed against Symon Mbutu Waweru.
9. On 21/2/2023 the Applicant sought that the court do register Land Parcel No. LR. Thegence/Kianjogu/143 in trust for Rukwaro Ruhehera. He was not the administrator of that estate.
10. The Applicant did not tire. He again filed an application dated 27/7/2023. He filed a notice of withdrawal on 27/7/2023, the same day he filed the same. Subsequently he filed an application dated 12/4/2024 against Symon Mbutu Waweru seeking to stop him from cutting trees.
11. Before this could be heard he again filed an application dated 3/5/2024. It is indicated to be amended. Some of the applications have been dispensed with while others are pending. There has to be an end to this madness. The decision herein was not appealed against. Further all the beneficiaries are deceased. I therefore strike out in limine the application filed by the Applicant Simon Ndiritu Rukwaro.
12. I order that the Applicant pays to the advocates for Symon Mbutu Waweru a sum of Kshs.75,000/= being costs of defending several vexatious applications. The same shall be paid to Magee Law LLP within 30 days failing which execution shall issue.
13. The Applicant is hereby barred from filing any other document in this file, except a Notice of Appeal.
14. The file is closed.

DATED, SIGNED AND DELIVERED AT NYERI ON THIS 5TH DAY OF JUNE, 2024.

KIZITO MAGARE

JUDGE

In the presence of:-

Applicant present in person

Asiimwe for Respondent

Court Assistant - Jedidah

