



REPUBLIC OF KENYA



**In re Estate of Muchunku Nthiga (Deceased) (Succession Cause
746 of 2015) [2024] KEHC 8488 (KLR) (4 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8488 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT CHUKA
SUCCESSION CAUSE 746 OF 2015**

LW GITARI, J

JULY 4, 2024

IN THE MATTER OF THE ESTATE OF MUCHUNKU NTHIGA (DECEASED)

BETWEEN

MARTIN KARIUKI MUCHOKA APPLICANT

AND

EPHANTUS MATI MUCHUNGU 1ST RESPONDENT

JAMLICK RUNGENDO MAGANA 2ND RESPONDENT

M'NYIRI MUCHUKU 3RD RESPONDENT

RULING

1. I have considered the application dated 15/3/2024 under a certificate of urgency. The applicant seeks an order that this court be pleased to issue orders lifting inhibiting lodged on Land Parcel No.Karingani/Gitarene/2527 which was erroneously omitted from their previous similar application dated 23/3/2023. It is based on the ground the order of this court is necessary for the purpose of lifting the inhibition on the parcel of land to facilitate the distribution of the estate to the beneficiaries.
2. I have considered the application. This court has jurisdiction to determine applications which are filed before it under the Act.
3. In addition, Rule 73 of the *Probate and Administration Rules* the court has powers to issue such orders as may be necessary to meet the ends of justice and to prevent the abuse of the court process. Rule 73 of the *Probate and Administration Rules* provides as follows:-

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4. This court gave a Judgment on 3/11/2022 and dismissed an application for revocation of grant. There is no appeal pending. This court is therefore supposed to issue such orders as are necessary to effect the grant and other orders of this court.
5. I note that on 13/10/2023 this court ordered that the inhibitions lodged on Land Parcels No. Karingani/Gitarene/2524, 2525, 2526, and 25 28 be lifted. Land Parcel No. Karingani/Gitarene/2527 was omitted and yet it is one of the properties that the court had ordered that an inhibition be issued in the order dated 28/4/2015.
6. In the circumstances I find that the application has merits. The order is necessary for applicants to effect the grant. I therefore order that then inhibition on Land Parcel No. Karingani/Gitarene/2527 be lifted as prayed under prayer 2 of the summons dated 15/3/2024.

DATED, SIGNED AND DELIVERED AT CHUKA THIS 4TH JULY 2024.

L.W. GITARI

JUDGE

