



In re Estate of the Late Joseph Muiruri Mburu (Deceased) (Succession Cause 1608 of 1997) [2024] KEHC 11628 (KLR) (Family) (3 October 2024) (Directions)

Neutral citation: [2024] KEHC 11628 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

FAMILY

SUCCESSION CAUSE 1608 OF 1997

HK CHEMITEI, J

OCTOBER 3, 2024

IN THE MATTER OF THE ESTATE OF THE LATE JOSEPH MUIRURI MBURU (DECEASED)

BETWEEN

ROSE RUGURI MUIRURI 1ST APPLICANT

SERAH WAIRIMU 2ND APPLICANT

AND

PATRICK MBURU MUIRURI RESPONDENT

DIRECTIONS

1. The applicants have filed summons for revocation dated 4th November 2022 challenging the grant issued to the respondent on 12th June 1998. The main reason for seeking such revocation is that they were not notified of this cause and that the signatures as contained in the pleadings leading to the confirmation of the grant were forged.
2. The court has perused the record herein, the purported signatures and most importantly the period it has taken the applicants to file this cause which is about 26 years. I do not find it reasonable to revoke the grant based solely on affidavit evidence. I also note that Mary Waithera Muiruri, a joint administrator, and mother to the parties herein has since passed away.
3. Consequently, and although there was no challenge to the application I find that the objection ought to be determined by way of viva voce evidence. This will bring out the issues clearly.
4. In the premises, let this matter be heard by way of oral evidence and in the meantime the status quo obtaining in respect to land parcels numbers Kiambu/Gatwanyaga/2722 and 2723 as at the date of this ruling be maintained pending the determination of the objection proceedings herein.



5. The parties granted leave to file further affidavits and witness statements if any within 45 days from the date herein.

DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 3RD DAY OF OCTOBER 2024.

H K CHEMITEI

JUDGE

