



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Gladys Gathoni Muriuki (Deceased) (Succession Cause
507 of 2011) [2023] KEHC 20435 (KLR) (5 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20435 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
SUCCESSION CAUSE 507 OF 2011**

**G MUTAI, J
JULY 5, 2023**

BETWEEN

ANNIE WANGUI OBJECTOR

AND

GEOFFREY MURIUKI KAIGI 1ST PETITIONER

REGINA WAKUNYU MURIITHI 2ND PETITIONER

RULING

1. This Court issued the Grant of Letters of Administration Intestate to the Geoffrey Muriuki Kaigi and Regina Wakonyu Muriithi, the Petitioners/Respondents herein on 29th May 2012. This was after a period in excess of 1 month had lapsed after the Petition was gazetted on 13th April 2012 vide Kenya Gazette Notice No 4811 of 2012.
2. Although dependants with equal of lesser priority were required to sign Form 38 of the Probate and Administration Forms the Form 38 in the court file wasn't signed as required by the Rules. The deceased was stated in the Affidavit in Support of the Petition sworn on 15th November 2011 to have owned Title No. Nyandarua/Kirima/1121 whose value was estimated as being Kes.2,000,000.00. In the said Petition the 1st Petitioner/Respondent described himself as the husband of the deceased. The 2nd Petitioner/Respondent is the daughter of the deceased.
3. On 12th April 2013 the Petitioners/Respondents filed an application vide which they sought to have the grant that had been issued to them confirmed. They listed 5 other beneficiaries who were entitled to a share of the estate of the deceased. The Supporting Affidavit proposed to have Title No Nyandarua/Kirima/1121 which measures 9.40 hectares shared out with the beneficiaries getting equal shares of half of the estate. No mention was made of what would happen to the other half share.
4. The proceedings in the Court file show that on 3rd May 2013 Mr. Kibaara for the Petitioners appeared before Lady Justice Maureen Odero who upon perusing the Summons for Confirmation of Grant



- dated 12th April 2013 allowed the same with no orders as to costs. Thereafter the Certificate of Confirmation of Grant was issued on 23rd July 2013. There is no indication in the file as to whether the beneficiaries attended court.
5. Vide the Summons for Revocation or Annulment Grant dated 3rd September 2014 the Objector applied to have the grant revoked. She also sought to have the 1st Petitioner/Respondent stopped from interfering with the property of the deceased. At the time of her demise the deceased had on only one property, Title No Nyandarua/Kirima/1121.
 6. Her grounds for seeking to annul the grant were that the grant was obtained fraudulently by the making of a false statement and concealment from the Court of a material fact to the case. The Objector alleged that the deceased and the 1st Petitioner/Respondent were divorced in 1964 and were not living together at the time of her death and therefore that he couldn't be an administrator of her estate having ceased to be a husband. She denied having signed a consent and averred that any signature purporting to be hers was a forgery.
 7. In her Supporting Affidavit the Objector deposed that the deceased and the 1st Petitioner/Respondent underwent a customary divorce in 1964. As a consequence of the said divorce children were divided. The 1st Petitioner/Respondent got married to Elizabeth Muthoni with whom he lived in Mombasa. The deceased settled in Nyandarua and acquired Title No Nyandarua/Kirima/1121 on her own. She produced affidavits and other documents by the parties which appear to indicate that the deceased and the 1st Petitioner/Respondent were not married the time of her demise. The following documents are notable.
 1. Replying Affidavits filed in Karatina RMC MISC NO 2 OF 1988; Gladys Gathoni Muriuki versus Geoffrey Muriuki Kaigi and Elizabeth Muthoni. In the said affidavit the 1st Respondent denies in paragraphs 3, 5, 12, 20 and 21 that he was married to the deceased. The affidavit was sworn before L. W. Gitari, Resident Magistrate (as she then was);
 2. The Supporting Affidavit sworn by the deceased on 2nd April 2004 in Karatina SRMCC NO 61 2004; Gladys Gathoni Muriuki versus Geoffrey Muriuki Kaigi. In the said affidavit the deceased deposed that she was the owner of Title No Nyandarua/Kirima/1121. She denied that the 1st Respondent was her husband and averred that they divorced in 1964. The deceased was very categorical that the above referenced property was hers to the exclusion of the 1st Respondent.
 3. The affidavit of Regina Wakonyu Muriithi in which she denied that the 1st Respondent was married to her mother. She alleged that she was duped into signing the Petition for Letters of Administration Intestate and supported the Summons of Revocation of Grant.
 8. The Objector thus urged the Court to revoke the grant.
 9. The Certificate of Confirmation of Grant dated 23rd July 2013 identified 7 seven beneficiaries to wit Geoffrey Muriuki Kaigi, Anna Wangui Muriuki, Regina Wakonyu Muriuki, Bernard Mwangi Kaigi, Catherine Wanjiru Kaigi, Michael Muriuki Kaigi and Daniel Weru Kaigi. The seven were to inherit equal share of half of the estate. The Certificate of Confirmation of Grant did not state who would own the other half. It must be presumed that the 1st Petitioner/Respondent deemed Title No. Nyandarua/Kirima/1121 as a matrimonial property and allocated himself 50% share leaving the remainder to the estate of the deceased, available for sharing by the 7 beneficiaries, of which he was one.
 10. The Objector deposed that the deceased acquired Title No. Nyandarua/Kirima/1121 "through her own struggles and suffering". In her view "Geoffrey Muriuki Kaigi wants to inherit that which he does



not deserve and wants to give part of the land to his other wife who is not at all a beneficiary of the deceased”.

11. The 1st Petitioner/Respondent is opposed to the Application. He filed a Replying Affidavit dated 6th February 2023. In his affidavit he deposed that he was a Co-administrator of the estate of the deceased with Regina Wakonyu Muriuki. He gave a chronology of what had transpired in the matter. In paragraph 7 he listed the beneficiaries. The beneficiaries are entitled to equal share of half of the deceased estate. He denied having made false averments in his affidavits. He swore that he was not divorced from the deceased in 1964, customarily or otherwise, and averred that he was married to her at the time of her death on 11th November 2004. To him Title No Nyandarua/Kirima/1121 was a matrimonial property he shared with the deceased and their three children namely Kaigi Muriuki, Wangui Muriuki and Weru Muriuki (now deceased). He denied having duped Regina Wakonyu Muriuki into signing the petition and averred that all those who were entitled to benefit consented. The 1st Petitioner/Respondent claimed that he provided the said property to the deceased as the matrimonial property “for our use and our children’s benefit and as the deceased’s husband”. The 1st Petitioner/Respondent annexed the Grant of Letters of Administration Intestate, the Certificate of Confirmation of Grant and the impugned affidavit in support of the petition for Grant of Letters of Administration Intestate. I must point out at this juncture that there is nothing in the file that would support the contention of the 1st Petitioner/Respondent that all the beneficiaries consented to the grant. There is no evidence that he purchased the estate property for the deceased. In any case, as shall be demonstrated below, the deceased vehemently denied that the 1st Petitioner/Respondent assisted her buy the property. She did so in a dramatic manner by going to court to prevent him from burying their son, who was estranged from her, in the said land. As a result of the said suit Kaigi Muriuki also known as Christopher Kaigi was buried at the Langata Cemetery.
12. The 2nd Petitioner disowned the 1st Petitioner/Respondent and swore an affidavit in support of the Summons for the Revocation of Grant.
13. This matter came up for hearing on 20th February 2023. On the said date both the Applicant and the Respondent testified and were cross examined.

Evidence of the Objector

14. The Objector testified that she was born in 1960. The 1st Petitioner/Respondent and the deceased are her parents. The 1st Petitioner/Respondent and the deceased separated in 1964 following which she lived with the 1st Petitioner/Respondent and her paternal grandmother, after her parents split the children. The father remarried in 1988 in an ACK Church at Karatina. Her mother made an attempt to stop the wedding which failed. When opposing the suit, the 1st Petitioner/Respondent filed an affidavit in which he deposed that he and the deceased had divorced under Gikuyu customary law in 1964. His affidavit, whose authenticity and veracity weren’t denied, was sufficiently detailed. The deponent elaborated how the divorce under the customary laws of the Gikuyu was conducted. He accused the deceased of having committed adultery. He claimed that the only time he had met the deceased after they divorced was in 1986 during the funeral of their son Weru.
15. When her brother Cristopher Kaigi died in February 2004 the 1st Petitioner/Respondent attempted to have his remains interred in the deceased’s land in Ol’Kalou. The deceased declined. As a result of her refusal Christopher Kaigi was interred in Langata cemetery. The Objector testified that neither Regina Wakonyu nor her father assisted the mother buy the land. The father lives in Mombasa with his wife and has land in Karatina. She prayed that the grant be revoked as the father was not the husband of the mother at the time she died.



16. When cross examined by Ms. Achieng the Objector/Applicant reiterated her contention that the 1st Petitioner/Respondent remarried. When asked why her mother attempted to stop the wedding if it is true she wasn't his wife the Objector stated that her mother did so to protect the interest of Christopher Kaigi (deceased). She insisted that she wasn't aware of the filing of the instant Petition and that she did not sign any documents. Her sister was duped into signing the document she had no idea about. She only became aware of the Petition and the Grant in 2014 when the 1st Petitioner/Respondent informed her that he wished to sell the land.

Evidence of the 1st Petitioner/Respondent

17. The 1st Petitioner/Respondent testified that he is 85 years old and resides in Karatina. The deceased was his first wife. They got married 1956. They had 4 children. He applied for grant with Regina Wakonyu as the other daughter (the Objector) was married and unavailable. They were issued with a grant which was confirmed. The Objector was aware of everything they did and consented. He was still married to the deceased when she died. Although he lives in Karatina and the deceased lived in Ol'Kalou they were allocated the land in 1979. The Petitioner/Respondent Testified that the objection application be dismissed. He wished, he said, nothing but the best for his children.
18. In cross examination the 1st Petitioner/Respondent admitted that he had a wife, a Ms. Elizabeth Muthoni, who he married in 1973. He denied having been married her in church. He also denied knowledge of the Court case filed in 1988 vide which the deceased sought to stop his wedding to Ms. Elizabeth Muthoni. Mr. Kaigi admitted that the deceased filed a Court case in 2004 to prevent him from buying Christopher Kaigi in Ol'Kalou. As a result of the said suit the said deceased person was interred in Langata cemetery.
19. The 1st Petitioner/Respondent testified that he didn't involve the Objector as she was working in Nanyuki. She only took the grant to her after it was obtained as she was busy. He claimed that he filed this succession case in Mombasa as that was the place he resided at the time. He did not coerce Regina Wakonyu to sign the Petition. In any case Regina should face him as she is an adult. He admitted that the land in Ol'Kalou is in the name of the deceased.
20. At the end of the hearing the Court directed the parties to file Written Submissions

Written Submissions of the Objector

21. The Objector filed Written Submissions on 17th March 2023. The Objector identified one issue that is to be determined by the Court. This whether the letters of administration made to Geoffrey Muriuki Kaigi should be revoked.
22. The Court was referred to section 76 of the *Law of Succession Act*. It was submitted that the 1st Petitioner/Respondent obtained the grant by making false statement and or by concealment from the Court of something material to the case. The Court was referred to the affidavit the 1st Petitioner/Respondent swore in 1988 in RMCC Misc. Application No 2 of 1988 (supra) where he denied being married to the deceased. The Court was also referred to Nyeri SRMCC No 61 of 2004. In the later suit the deceased denied being married to the 1st Petitioner/Respondent. She also denied that the Petitioner/Respondent had an interest in Title No. Nyandarua/Kirima/1121.
23. Ms. Muriuki relied on the case of re Estate of Prisca Ong'ayo Nande (deceased) [2020] eKLR for the proposition that where the grant was obtained fraudulently the Court may revoke the same.



Submission of the 1st Petitioner/Respondent

24. The Petitioner/Respondent submitted that when seeking the grant, he made full disclosure of the deceased's dependants. In his petition the Objector was named as a beneficiary. The Petitioner/Respondent further submitted that at the time of her death the deceased was his wife as he had never divorced her and that he had never contracted any other marriage. This averment is clearly at variance with what the 1st Petitioner/Respondent said in cross-examination.
25. The 1st Petitioner/Respondent identified 3 issues to wit
- i. What is the applicable law when a Court considers an application of this nature?
 - ii. Had Objector proved fraud and forgery?
 - iii. Is the Objector's application herein is merited?

In regard to the 1st issue I was referred to section 76 of the [Law of Succession Act](#) and to the case of James Kironyo Njoroge versus Ruth Waithera Ngugi [2022]eKLR where the Court quoted with the approval Mwita J's decision in Albert Imbuga Kisigwa versus Recho Karai Kisigwa [2016]eKLR. The Court was urged to be cautious and not to revoke a grant which was issued in 2013. He prayed that I should exercise my discretion judiciously and on sound grounds.

26. The 1st Petitioner/Respondent submitted that the Objector had not discharged the burden of proof on a balance of probability. She had not, for example, called a document examiner to show that her signature was forged as alleged. It was further submitted that she didn't prove fraud. Fraud must be strictly pleaded and proved. Reliance was placed on the case of In re Estate of David William Kigumi Kimemia (deceased) [2021]eKLR. The Petitioner argued that the Objector/Applicant had the burden of proving fraud. The Court was referred to the holding in Ndolo versus Ndolo [2008] 1 KLR (G&F) 742 and Christopher Ndaru Kagina versus Esther Mbandi Kagina & Another [2016] eKLR where the Court pronounced itself as follows:-

“it is trite law that he who alleges fraud must prove fraud. Allegation of fraud must be strictly proved. Great care must be taken in pleading allegations of fraud or dishonesty. In particular, the pleader needs to be sure that there is sufficient evidence to justify allegations”.

27. The 1st Petitioner/Respondent submitted that the standard of proof required where fraud is alleged was higher than that required in ordinary civil case but was not beyond a reasonable doubt as required in criminal cases. Reliance was also placed on the case of In re Estate of Pradeep Behal (deceased) [2019] eKLR.
28. The 1st Petitioner/Respondent denied that he had even divorced the deceased. It was submitted that no marriage certificate was presented in Court nor was order of decree nisi availed for scrutiny. He claimed that the case was filed in Mombasa only because at the time he resided in Mombasa. He therefore urged the Court to costs to the Petitioners.

The Applicable Law

29. In my opinion the Court ought to determine whether the 1st Petitioner/Applicant was a dependent of the deceased at the time of her death. It must also be established if the Objector met the threshold set in section 76 of the [Law of Succession Act](#).



30. Section 29 of the *Law of Succession Act* provides as follows: -

“For the purposes of this Part, "dependant" means-

- (a) the wife or wives, or former wife or wives, and the children of the deceased whether or not maintained by the deceased immediately prior to his death;
- (b) such of the deceased's parents, step-parents, grandparents, grandchildren, step-children, children whom the deceased had taken into his family as his own, brothers and sisters, and half-brothers and half-sisters, as were being maintained by the deceased immediately prior to his death; and
- (c) where the deceased was a woman, her husband if he was being maintained by her immediately prior to the date of her death.”

31. Section of the said Act provides that: -

“A grant of representation, whether or not confirmed, may at any time be revoked or annulled if the court decides, either on application by any interested party or of its own motion-

- (a) that the proceedings to obtain the grant were defective in substance;
- (b) that the grant was obtained fraudulently by the making of a false statement or by the concealment from the court of something material to the case;
- (c) that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant notwithstanding that the allegation was made in ignorance or inadvertently;
- (d) that the person to whom the grant was made has failed, after due notice and without reasonable cause either-
 - (i) to apply for confirmation of the grant within one year from the date thereof, or such longer period as the court order or allow; or
 - (ii) to proceed diligently with the administration of the estate; or
 - (iii) to produce to the court, within the time prescribed, any such inventory or account of administration as is required by the provisions of paragraphs (e) and (g) of section 83 or has produced any such inventory or account which is false in any material particular; or
- (e) that the grant has become useless and inoperative through subsequent circumstances.”

32. Rule 26 of the Probate & Administration Rules provides thus:-

- “(1) Letters of administration shall not be granted to any applicant without notice to every other person entitled in the same degree as or in priority to the applicant.
- (2) An application for a grant where the applicant is entitled in a degree equal to or lower than that of any other person shall, in default of renunciation, or written consent in Form 38 or 39, by all persons so entitled in equality or priority, be supported by an affidavit of the applicant and such other evidence as the court may require.



- (3) Unless the court otherwise directs for reasons to be recorded, administration shall be granted to a living person in his own right in preference to the personal representative of a deceased person who would, if living, have been entitled in the same degree, and to a person not under disability in preference to an infant entitled in the same degree.”

Analysis of the Law and the Facts

34. In the Petition filed by the 1st Petitioner/Respondent and Regina Wakonyu Murithi on 13th December 2011 the former describes himself as the husband of the deceased. Was the Petitioner/Respondent the husband of the deceased? The Objector submits that he was not the husband of the deceased at the time she died in 2004. In support of this contention she produced 2 affidavits 1 each by the 1st Petitioner/Respondent and the deceased.
35. The affidavit of the 1st Petitioner/Respondent was categorical that he was not married to the deceased. The affidavit was filed on 5th August 1988 in Karatina RMC Misc. Civil Application No. 2 of 1988; Gladys Gathoni Muriuki Kaigi and Elizabeth Muthoni. In the said affidavit the 1st Petitioner/Respondent states as follows in paragraphs 3, 5, 12, 13 and 20: -
- “That it is not true that the Applicant is my wife under Kikuyu Customary law now”;
- “That our marriage only subsisted upto 1964 when we dissolved it”;
- “that on 21:4.64 we held another clan meeting including the Applicant clan and the marriage was dissolved”;
- “that I have never seen the Applicant since 1964 apart from 1986 when we attended the burial of Weru” and
- “that the Applicant knows very well that she is not my wife and the application before the Court is only intended to embarrass me”.
36. The deceased agreed with the 1st Petitioner/Respondent in the affidavit she swore on 2nd April 2004 she deposed in paragraph 3 that “the said Geoffrey Muriuki Kaigi was my husband till 1964 when we divorced under Kikuyu customary law”.
37. The veracity of these affidavits was not questioned. The 1st Petitioner/Respondent did not explicitly deny that he swore the 1st affidavit. Although he claimed not to have been aware of the suit in Karatina court his affidavit said nothing about the same despite the fact that it was prejudicial to his case. The deceased and the 1st Petitioner/Respondent lived apart, Ol’Kalou in the case of the deceased and Karatina in the case of the latter. Given the two instances when they filed cases against each other it is fair to conclude that their relationship was anything but cordial and that it had long ceased to exist. During the hearing the 1st Petitioner/Respondent admitted that his attempts to bury Kaigi Muriuki in Ol’Kalou, in the land of the deceased failed after she obtained Court orders barring his interment on her land. The deceased objected as the children had been divided when they divorced. The 1st Petitioner/Respondent took Kaigi Muriuki alias Christopher Kaigi (who was named after his father) and Wangui Muriuki alias Annie Wangui Muriuki (who was named after his mother). The deceased was left with Weru Muriuki (who was named after her father).



38. In paragraph 4 of the Witness Statement dated 9th February 2023 the 1st Petitioner/Respondent averred that:-

“that I have never solemnized any other marriage with any other person and I have never registered the same”

This statement contradicts what he said during cross examination by Mr. Ojare. When questioned by said advocate he stated that:-

“Elizabeth Muthoni is my second wife she has her own land. Gladys has her own land. I got married to Elizabeth in 1973 under customary law. We didn’t get married in church.”

39. Based on the foregoing I am convinced that the 1st Petitioner/Respondent was not the husband of the deceased at the time she died. By passing himself off as the husband of the deceased when he knew that he was not, the 1st Petitioner/Respondent obtained the grant by fraudulently making a false statement and by concealing from the Court that he and the deceased had divorced. His status as an ex-husband of the deceased was something material in the case. There was no marriage subsisting between him and the deceased the same having been dissolved in 1964.

40. When applying for grant the 1st Petitioner/Respondent was required to obtain the consent of those who were entitled to the grant in equal to or lower degree than him. Form 38 in the Court file (dated 15th November 2011 does not have the signatures of the other beneficiaries, save that of the Petitioners. The application, to that extent did not comply with Rule 26 of the Probate and Administration Rules. The Chamber Summons dated 12th April 2013, did not, contrary to what has been submitted, have a signed consent. The said Summons had 2 annexures “A” and “B” which are the Grant of Letters of Administration Intestate and copy of the title, Title No Nyandarua/Kirima/1121 respectively. The said title appears to be of great interest to the 1st Petitioner/Respondent going by his previous attempts to bury his son Kaigi Muriuki therein. Given the non-compliance with the requirements of the law this Court finds that the proceedings to obtain the grant were defective in substance.

41. The requirement that consent of beneficiaries with equal or lesser status is not ornamental. It has real value. Requiring applicants to obtain consent minimizes the possibility of fraud and lessens conflict. It would appear to me that the 1st Petitioner/Respondent knew that he had no right to apply for the grant for he did so surreptitiously, with a step daughter he disowned in his 1988 affidavit, by not obtaining the consent of the dependants and also by filing the Petition here in Mombasa where it would be difficult for anyone wishing to object to become aware of his action.

42. I am in agreement with what Mwita J said in *Albert Imbuga Kisigwa versus Recho Karai Kisigwa* [2016]eKLR

“power to revoke a grant is a discretionary power that must be exercise judiciously and only on sound grounds. It is not discretion to be exercised whimsically or capriciously. There must be evidence of wrong doing for the Court to invoke section 76 and order to revoke or annul a grant. And when a Court is called upon to exercise this discretion, it must take into account interests of all the beneficiaries entitled to the deceased’s estate and ensure that the action taken will be for the interest of justice”.

43. The 1st Petitioner/Respondent deliberately misled the Court about his relationship with the deceased. He did not involve the Objector when seeking the grant. When questioned about this by Mr. Ojare, learned counsel for the Objector, he said that he didn’t do so as “Anne was in Nanyuki. She couldn’t



be joined as she was far. I took the grant to her after it was obtained. I couldn't take it to her before as she was busy”.

44. It is also curious that the succession case whose sole asset is a parcel of land in Nyandarua was filed in Mombasa. The 1st Petitioner/Respondent testified that he did so as he was resident in Mombasa at the time. It is more likely than not that he did so to minimize the risk that his action would be discovered and nipped in the bud before it could succeed.
45. During the hearing I observed the 1st Petitioner/Respondent. He did not appear to me to be credible at all. He contradicted himself and made no serious attempt to explain his previous conduct. It would appear to me that he has designs on the deceased property, which clearly he had eyed for a long term and intended to take most of it for himself. That is the only reasonable explanation for his decision to distribute only half of the estate while leaving the fate of the other half undefined.
46. In the 1st Petitioner/Respondent's submissions a great emphasis is placed on the standard and burden of proof of fraud. With respect this is misplaced. Their premise is that the Objector ought to have shown that her signature was forged. As I have shown above the Objector signed no document, when she ought to have signed a consent to the application by the Petitioners.
47. The 1st Petitioner/Respondent lied that he was a survivor of the deceased when he knew he wasn't. a case has therefore been made for revocation of grant. In re Estate of Prisca Ong'ayo Nande (deceased) [2020]eKLR W. Musyoka stated thus:-

“Under section 76, a court may revoke a grant so long as the grounds listed above are disclosed, either on its own motion or on the application of a party. A grant of letters of administration may be revoked on three general grounds. The first is where the process of obtaining the grant was attended by problems. The first would be where the process was defective, either because some mandatory procedural step was omitted, or the persons applying for representation was not competent or suitable for appointment, or the deceased died testate having made a valid will and then a grant or letters of administration intestate was made instead of a grant of probate, or vice versa. It could also be that the process was marred by fraud and misrepresentation or concealment of matter, such as where some survivors are not disclosed or the Applicant lies that he is a survivor when he is not, among other reasons. The second general ground is where the grant was obtained procedurally, but the administrator, thereafter, got into problems with the exercise of administration, such as where he fails to apply for confirmation of grant within the time allowed, or he fails to proceed diligently with administration, or fails to render accounts as and when required. The third general ground is where the grant has become useless and inoperative following subsequent circumstances, such as where a sole administrator dies leaving behind no administrator to carry on the exercise, or where the sole administrator loses the soundness of his mind for whatever reason or even becomes physically infirm to an extent of being unable to carry out his duties as administrator, or the sole administrator is adjudged bankrupt and, therefore, becomes unqualified to hold any office of trust.”

48. The upshot of the foregoing is that the summons for Revocation or Annulment of Grant dated 3rd March September 2014 is allowed.

Disposition

49. The Grant of Letters of Administration Intestate made to Geoffrey Muriuki Kaigi and Regina Wakonyu Muriithi on 23rd May 2011 and confirmed on 3rd May 2013 is hereby revoked.



50. I appoint Annie Wangui Muriuki and Regina Wakonyu Muriithi as the administrators of the estate. The Grant of Letters of Administration Intestate of the estate of the deceased will issue to them forthwith. The said administrators are directed to file the Summons for Confirmation of Grant within 30 days of the date of this ruling.

51. I make no orders as to costs, this being a family matter.

Orders accordingly.

DELIVERED, DATED, AND SIGNED THIS 5TH DAY OF JULY 2023 AT MOMBASA VIA MICROSOFT TEAMS

.....

GREGORY MUTAI

JUDGE

In the presence of:-

Mr. Ndegwa Wahome for the Objector;

No appearance for the 1st Petitioner/Respondent;

Mr. Arthur Ranyundo – Court Assistant

