



**Kangethe v Kangethe (Succession Cause 50 of 1987)  
[2023] KEHC 19876 (KLR) (13 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 19876 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
SUCCESSION CAUSE 50 OF 1987  
HK CHEMITEI, J  
JULY 13, 2023**

**BETWEEN**

**APOLLO KIMANI KANGETHE ..... APPLICANT**

**AND**

**MIRIAM WANJIRU KANGETHE ..... RESPONDENT**

**RULING**

1. The summons dated June 2, 2022 by the applicant prays for the following orders;
  - (a) That the grant of letters of administration made to the respondent on August 4, 1987 be revoked and or annulled.
  - (b) That the entire estate constitutes the estate of Elijah Kangethe Karanja be redistributed to all the beneficiaries who include objector.
  - (c) That any title deeds created upon the said confirmed grant be annulled and or cancelled while all of them revert back to the deceased name for fresh distribution.
  - (e) The respondent together with all beneficiaries be restrained and or barred from charging, mortgaging, selling or transferring any of the pieces of land comprising the estate until the full determination of the objection proceedings.
2. The application is supported by the sworn affidavit of the applicant sworn on June 2, 2022 and the grounds on the face of the application.
3. The respondent has filed a replying affidavit sworn on February 2, 2023 objecting to the application arguing that the applicant had filed another application and that this application ought to be disallowed.



4. What the applicant is telling the court is that he was a beneficiary of the estate herein her mother having been the first wife of the deceased. He said that the applicant failed to disclose to the court that the existence of another house when she applied for the confirmation of the grant.
5. I have looked at the history of the proceedings herein and it is evident that the applicant filed a similar application dated August 21, 2003 which he later withdrew on November 19, 2003 with costs to the respondent. There are no reasons that were advanced as to why the said application was withdrawn.
6. About 20 years later the applicant has filed a similar application. I doubt whether he was or he is a serious litigant. The reasons he advances now are similar reasons he did 20 years ago. What has changed? I think the applicant is unnecessarily a vexatious litigant since the grant was confirmed about 36 years ago with his full knowledge.
7. I respectfully disagree with the applicant and dismiss his application with costs to the respondent since litigation must come to an end.
8. All is not lost however assuming that the respondent is yet to comply with actual distribution of the estate. It appears to me that there is no evidence of distribution and if at all the applicant is entitled to the share of the estate just like all the deceased beneficiaries then he may claim his share therein.
9. The application is otherwise dismissed with costs.

**Dated signed and delivered at Nakuru via video link this 13<sup>th</sup> day of July 2023.**

**H K CHEMITEI**

**JUDGE**

1

