



**Mbugua & 9 others v Mbugua (Succession Cause 244 of 2014)
[2023] KEHC 22256 (KLR) (19 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22256 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
SUCCESSION CAUSE 244 OF 2014
AC MRIMA, J
SEPTEMBER 19, 2023
IN THE MATTER OF: THE ESTATE OF JOB MBUGUA NJOROGE
(DECEASED)**

BETWEEN

JOHN SAMWEL MBUGUA & 9 OTHERS APPLICANT

AND

JACKSON MWANGI MBUGUA ADMINISTRATOR

RULING

1. Beforecourt for determination is a summons for revocation of grant dated July 31, 2018, which was taken out by the applicants.
2. The applicants and the Administrator are all children of the deceased herein. It is alleged that the Administrator solely applied for the representation of the grant by misrepresentation as to being the one whom the whole family had agreed to make the application. The matter is still pending investigations before the Director of Criminal Investigations.
3. The Administrator opposed the application. He filed a replying affidavit he swore on November 14, 2018 which was filed on November 19, 2018.
4. On this court's directions, the application was to be determined by way of written submissions. The applicants filed and served their submissions. However, the Administrator did not file any submissions.
5. This court has carefully considered the application, the response and the submissions. Since all the parties are the undisputed children of the deceased, then unless demonstrated otherwise, they all stand in parity in applying for the representation.



6. Given that there is a dispute on how the Administrator herein was granted the representation and in view of the various averments in the record, it is apparent that the main issue rests on the distribution of the estate.
7. So as to address the main issue herein, this court is satisfied that given the provisions of section 66 of the Law of Succession Act, cap. 160 of the Laws of Kenya and the need to accord every party a fair trial pursuant to article 50(1) of the Constitution, this is a matter which the orders sought ought to issue.
8. Consequently, the following orders do hereby issue: -
 - a. The Grant of Letters of Administration Intestate dated February 3, 2015 and the Certificate of Confirmation dated March 24, 2016 be and are hereby revoked.
 - b. The registration of the property known as Saboti/Sikhendu/Mucharage/84 (Saboti/Sikhendu Block 1/Mcharage/84) shall revert to the deceased herein, Job Mbugua Njoroge. All entries in the register made pursuant to the Grant of Letters of Administration and the Certificate of Confirmation herein are hereby cancelled and shall be removed from the register forthwith.
 - c. A Fresh Grant of Letters of Administration Intestate is hereby issued in the joint names of John Samwel Mbugua and Jackson Mwangi Mbugua.
 - d. The Administrators and/or any of them shall file for confirmation of the Grant within 30 days of this ruling.
 - e. This matter shall be fixed for further directions on a date to issue.

Those are the orders of this court.

DELIVERED, DATED AND SIGNED AT KITALE THIS 19TH DAY OF SEPTEMBER, 2023.

A. C. MRIMA

JUDGE

