



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Muturi Ndirangu (Deceased) (Succession Cause  
722 of 2016) [2023] KEHC 23356 (KLR) (13 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23356 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
SUCCESSION CAUSE 722 OF 2016  
SM MOHOCHI, J  
OCTOBER 13, 2023  
IN THE MATTER OF THE ESTATE OF MUTURI NDIRANGU (DECEASED)**

**RULING**

1. By Summons dated the 26<sup>th</sup> January 2023, filed pursuant to Rule 49 and 73 of the *Probate and Administration Rules*, (Cap 160, Laws of Kenya, seeking the following Orders;
  1. That the District Land Registrar, Nakuru County, do hereby cancel all subdivision and titles and entries carried out, and arising from the parcel of land known as Bahati/bahati Block1/927 carried out after 19.6.2002 when Muturi Ndirangu (deceased) died to pave way for compliance of the orders of confirmation of grant issued by this Court on 24<sup>th</sup> October, 2022.
  2. That costs be in the cause.
2. This Application is supported by the sworn affidavit(s) of Godfrey Wamai Muturi dated 26<sup>th</sup> January and 8<sup>th</sup> February of 2023 and is premised on the following grounds;
  - a. The deceased died on 19<sup>th</sup> June 2002.
  - b. That letters of administration to the estate were rectified on 24<sup>th</sup> October, 2022.
  - c. That confirmation of grant of letters of administration was rectified on 24<sup>th</sup> October, 2022.
  - d. That since the deceased died on 19<sup>th</sup> June, 2002, no dealing on her land should have proceeded before 24<sup>th</sup> October, 2022 when grant of letters of administration were confirmed.
  - e. That when the certificate of confirmation of grant was presented to the District Land Registrar, the District Land Registrar noted that the block title of the deceased had been illegally subdivided after 2002 into several plots which had not been transferred.
  - f. That it is important that the subdivision carried out by fraudster be cancelled to pave way for issuance of few titles to the beneficiaries of this estate.
  - g. That it is in the interest of Justice that the orders issued by this Court are enforced.



- h. That it is also in the interest of Justice that parties should not be allowed to benefit from their illegality.
  - i. That under the circumstances, it is fair and just that the orders sought in this application be allowed.
  - j. That the District Land Registrar has requested for this Court's intervention in order to cancel the illegal subdivision carried out on the parcel.
  - k. That no new titles were issued in respect to the illegal subdivision.
  - l. That without orders to cancel the said subdivision, the orders of this Court stunt in vain.
  - m. That it is in the interest of Justice that this application be granted.
3. This matter came up for directions 16<sup>th</sup> June 2023, and the Court was notified by counsel for the 2<sup>nd</sup> Co-Administrator Ms. Gathecha Advocate that they were not opposed in the application being allowed.
  4. The Court further notes that the property forming part of the estate commonly referred to as Bahati/bahati Block1/927 was on the 12<sup>th</sup> June 2002 subdivided into two parcels Nos 279 and 280 and entry number 4 was entered in the green card no fresh titles were issued.
  5. The aforesaid subdivision was purportedly undertaken seven days before the demise of the deceased and the same has been contested by the Administrators as illegal.
  6. Being an unopposed this Court accordingly allows the Application.
  7. An Order is hereby issued directing the District Land Registrar, Nakuru County, to forthwith cancel all subdivision undertaken and entry number 4 carried out, and arising from the parcel of land known as Bahati/bahati Block1/927 to pave way for compliance of the orders of confirmation of grant issued by this Court on 24<sup>th</sup> October, 2022.
  8. Costs of this Application shall be in the cause.

It is so ordered.

**SIGNED, DELIVERED VIRTUALLY ON TEAMS PLATFORM ON THIS 13<sup>TH</sup> OCTOBER 2023**

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**MOHOCHI S.M**

**JUDGE**

