



**In re Estate of the Late Bernard Nguchie Kuria alias Benard Nguchie Kuria (Deceased) (Succession Cause 1250 of 2014) [2024] KEHC 13670 (KLR) (Family) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13670 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 1250 OF 2014  
HK CHEMITEI, J  
NOVEMBER 7, 2024  
IN THE MATTER OF THE ESTATE OF THE LATE BERNARD  
NGUCHIE KURIA ALIAS BENARD NGUCHIE KURIA  
(DECEASED)**

**BETWEEN**

**GEORGE KURIA ..... APPLICANT**

**AND**

**LUCY WAMBUI ..... RESPONDENT**

**RULING**

1. In his unopposed application dated 7<sup>th</sup> November 2023 the Applicant seeks orders that the Respondent herein Lucy Wambui be compelled to surrender title deed for land parcel number 13537/826 for purposes of having it registered as per the grant issued and confirmed on 18<sup>th</sup> September 2019.
2. The other alternative prayer is for the said title deed to be dispensed with by the land registry and proceed to issue the titles in favour of the Applicant.
3. The application is based on the grounds thereof and the sworn affidavit of the Applicant dated the same date.
4. The gist of the application is that the Applicant and the Respondent are joint administrators of the estate herein. The grant was confirmed on 3<sup>rd</sup> December 2013 and rectified severally and the last rectification was on 18<sup>th</sup> September 2019.



5. That rectification clearly indicated how land parcel number 13537/826 situate within Thika municipality was to be shared out. It is the Applicant's case that the Respondent who holds the original title has refused to surrender so that the grant can be executed.
6. He thus prayed that she be compelled to surrender or the land registry be permitted to proceed without the same.
7. As indicated the application has not been opposed. The court for now does not see the reason to grant prayer two of the application as it has not been demonstrated that the title is lost and or misplaced.
8. In the premises I allow the application as follows:-
  - (a) The Respondent within 14 days from the date herein is directed to surrender the original title deed for land parcel number 13537/826 to the Applicant who shall thereafter proceed to execute the grant appropriately.
  - (b) In default of order (a) above the Applicant be at liberty to apply for contempt proceedings.
  - (c) Costs to the Applicant.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 7<sup>TH</sup> DAY OF NOVEMBER 2024.**

**H K CHEMITEI**

**JUDGE**

