



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**SUCCESSION CAUSE NO. 2232 OF 2002**

**IN THE MATTER OF THE ESTATE OF TITUS KAARA DIFATHA (DECEASED)**

**DIFATHA MURIUKI TITUS**

**CHARLES NJERU KAARA.....APPLICANTS**

**RULING**

The Applicants are seeking orders of this court to revoke the grant of letters of administration intestate made to them in respect of the Estate of Titus Kaara Difatha who died on 12<sup>th</sup> January 1999. The grant sought to be revoked was issued on 28<sup>th</sup> June 2004. The reasons for seeking to revoke the grant in this matter is that there is another grant issued in respect of the same estate of Titus Kaara Difatha in Nyeri High Court Succession Cause No. 560 of 1999 in May 2001.

The application is supported by the Affidavit of Difatha Muriuki Titus, one of the Applicants. Briefly, the beneficiaries had filed a Succession Cause in Nyeri in respect of the Estate of the deceased herein and the same had been issued and confirmed. He deposes further that due to an honest and inadvertent mistake this matter was filed in this court when there existed in Nyeri the other file.

I have considered the matter. I have noted that there is a consent dated 29<sup>th</sup> September 2020 by the beneficiaries consenting to the revocation of the grant in this matter so that they can proceed with the Nyeri Succession Cause No. 560 of 1999. I have no reason to believe that the mistake in filing this matter in Nairobi when there existed another file of the same estate in Nyeri is an honest mistake. I do allow the application and revoke the grant issued in this matter on 28<sup>th</sup> June 2004. Orders shall issue accordingly.

**DATED, SIGNED AND DELIVERED THIS 9<sup>TH</sup> DAY OF NOVEMBER 2020.**

**S. N. MUTUKU**

**JUDGE**