

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

SUCCESSION CAUSE NO. 682 OF 2015

IN THE MATTER OF THE ESTATE OF GACHOKI KAMUNYU Alias NDAMBIRI WANDIRWE (DCD)

AND

JAMES G. MBOGO.....ADMINISTRATOR

RULING

1. The application pending before Court is dated 27/09/2018 whereby the applicant is seeking for the following orders;

a) The Honourable Court do authorize the executive officer of the Court to execute all necessary documents to facilitate sub-division and transfer in respect to **Land Parcel No. Kabare/Njuku/79**.

b) The Land Registrar is authorized to dispense with passport photos, KRA Pins certificate, copies of identity Card and the old Title deed.

c) OCS Wang'uru to provide security during sub-division of **Land Parcel No. Kabare/Njuku/79**.

2. The application was based on the ground that the grant was confirmed on 28/04/2018 but the respondent has refused to execute all the necessary documents to facilitate sub-division and transfer in respect to **Land Parcel No. Kabare/Njuku/79**. That he has severally requested the respondents but they have refused and it is for this reason, he is asking for security during the sub-division of the said land.

3. The respondents though served with the application did not file any response.

4. *The petitioner has a right to enjoy the fruits of the judgment delivered in his favour and to deny him the same would be unfair and denial of justice.* The application is not opposed. It is necessary to allow the application to facilitate the execution of the grant. I order that the application is allowed as prayed.

Dated at Kerugoya this 18th day of July 2019.

L. W. GITARI

JUDGE