



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NANYUKI**

**SUCCESSION CAUSE NO. 8 OF 2017 (S.R.G)**

**IN THE MATTER OF THE ESTATE OF JANE MUTHONI GICHOHI (DCD)**

**MAGDALINE WACHEKE GICHOHI.....PETITIONER**

**AND**

**J W G.....APPLICANT**

**RULING**

1. **J W G (W)** was the only child of the deceased Jane Muthoni Gichohi. When her said mother died on 23<sup>rd</sup> November 1999 grant of letters of administration were issued for that estate to **MAGDALINE WACHEKE GICHOI (Magdalene)**, the deceased's co-wife. **W** was then 15 years old.

2. The grant was confirmed on 31<sup>st</sup> May 2002 in Succession Cause No. 5 of 2001 at the Senior Resident Magistrate Court Nanyuki. In the confirmed grant it was reflected that Magdalene was to hold the properties of the estate in trust for **W** who was then a minor. Those properties held in trust were:-

**a) Plot No. 297 HOOKFARM**

**b) L.R. No. 2787/876**

**c) L.R. No.2787/106**

3. Following an application filed by Magdalene the Magistrate's court included other assets of the estate in a new confirmed grant dated 12<sup>th</sup> June 2003. That new grant provided that Magdalene would hold intrust for **W** the following:-

**a) 116 shares of Kenya commercial Bank.**

**b) 252 shares of Barclays Bank**

**c) 175 shares of Standard Chartered Bank**

**d) 125 shares Housing Finance Co. Ltd**

**e) Child's account No. [...] with Barclays Bank**

4. **W** is now an adult. She has filed an Amended summons dated 12<sup>th</sup> July 2017 where she seeks the revocation of the grant issued to Magdalene and that the same be issued to her for her to hold the assets of her late mother's estate absolutely.

5. The application was served upon Magdalene who has failed to file any response to the same.

6. I can see no reason not to grant **W** the prayers she seeks. Accordingly I order as follows:-

**a) The grant issued to Magdalene Wacheke Gichohi on 31st May 2002 and 12th June 2003 in Senior Resident Magistrate's Succession No. 5 of 2001 are hereby revoked.**

**b) A confirmed grant shall be issued to J W G as follows:**

- i. Plot No. 297 HOOKFARM – absolutely
  - ii. L.R. NO. 2787/876 – absolutely
  - iii. L.R. 2787/106 – absolutely
  - iv. 116 shares of Kenya Commercial Bank - absolutely
  - v. 252 shares of Barclays Bank - absolutely
  - vi. 175 shares of Standard Chartered Bank- absolutely
  - vii. 125 shares Housing Finance Co. Ltd - absolutely
  - viii. Child’s account No. [...] with Barclays Bank – Absolutely
- c) There shall be no orders as to costs.

DATED and DELIVERED at NANYUKI this 8<sup>th</sup> day of FEBRUARY 2018.

MARY KASANGO

JUDGE

CORAM

Before Justice Mary Kasango

Court Assistant: Njue / Mariastella

For applicant .....

For Petitioner:.....

COURT

Ruling read in open court.

MARY KASANGO

JUDGE