

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 534 OF 2002

IN THE MATTER OF THE ESTATE OF MARY NYAMBURA- (DECEASED)

RULING

1. The application dated 30th June 2014 seeks an order for the revocation or cancellation of the title deed for Lari/Kirenga/367 by the Land Registrar responsible of Kiambu County and for the insurance of a new title deed in line with the certificate of confirmation of grant dated 19th November 2007. The applicant also seeks orders to restrain the respondents from interfering with her quiet possession of her portion of Lari/Kirenga/367.
2. There was service of the application on the respondents as ordered on 2nd July 2014. The affidavit of service evidencing service was sworn on 14th July 2014 and filed herein on the same day.
3. The respondents have not filed any replies to the application, and therefore the same stands unopposed.
4. The grant herein was confirmed on 19th November 2007. There is a certificate of confirmation of grant on record of even date. Lari/Kirenga/367 is to be shared equally between the applicant and the respondents. There is ample evidence that the respondents are frustrating the exercise of the subdivision of Lari/Kirenga/367 and the registration of the subdivisions in the names of all three survivors of the deceased.
5. I do find merit in the said application. I have no hesitation granting it in the terms proposed by the applicant.
6. The Land Registrar for Kiambu County is hereby directed to cancel the title deed for Lari/Kirenga/367 and thereafter subdivide the said parcel of land and issue fresh title deeds on the subdivisions in accordance with the certificates confirmation of grant dated 19th November 2007. The respondents are hereby permanently restrained from interfering with the applicant's quiet occupation of the portion that she is entitled to out of Lari/Kirenga/367.

DATED, SIGNED and DELIVERED at NAIROBI this 6TH DAY OF February 2015.

W. MUSYOKA

JUDGE