

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT THIKA

ELC CASE NO. E021 OF 2025 (O.S)

IN THE MATTER OF THE TRUSTEE ACT (CAP 167)

**IN THE MATTER OF THE ESTATE OF GLADYS NYAMUHU NJUGUNA
(DECEASED)**

**IN THE MATTER OF A TRUST CREATED IN FAVOUR OF STEPHEN
KIMOTHO NJUGUNA**

STEPHEN KAMOTHO NJUGUNA NJUGUNA APPLICANT

JUDGMENT

1. The Applicant commenced this suit by way of an ex-parte Originating Summons dated 25th May 2025 brought under the provisions of Section 45 of the Trustee Act Cap 167, Section s 28(b) and 65 of the Land Registration Act and Order 37 Rules (1) and (2) of the Civil Procedure Rules seeking the following orders:

a) *THAT land parcel L.R No. KOMOTHAI KIAMBURURU/766 (the suit property) , registered in the name of Gladys Nyamuhu (Deceased) as trustee for the Applicant be and is hereby vested in the name of the Applicant, Stephen Kimotho Njuguna as the beneficial owner thereof.*

b) *THAT any trust subsisting over the suit property be and is hereby declared terminated and that the Applicant shall hold the*

suit property absolutely free from any trust.

c) THAT the Land Registrar, Kiambu Land Registry be directed to effect the transfer of the said property and remove any entries relating to the trust or to Gladys Nyamuhu Njuguna in respect of the suit property in accordance with the court's order.

d) That the costs of this application be in the cause.

2. The Originating Summons is anchored on the Supporting Affidavit of Stephen Kimotho Njuguna, the Applicant herein sworn on 25th May 2025. In the said affidavit he depones that he is the administrator of the estate of Gladys Nyamuhu Njuguna (Deceased) who died on 26th December 2004.
3. He further depones that on or about 22.4.2004, while his mother was still alive, she caused a trust to be registered over land parcel No. L.R No. KOMOTHAI KIAMBURURU/766 in which the Applicant was named as the beneficiary. That the said Gladys Nyamuhu Njuguna later died on 26.12.2004 and the Applicant obtained a Grant of Letters of Administration in respect of her estate. The said Grant was confirmed on 11.12.2012 as per the annexed Certificate of Confirmation of Grant.
4. He later conducted an official search in respect of the suit property and established that the deceased was holding the suit property in trust for Stephen Kimotho Njuguna (the Applicant).

5. It is against the foregoing background that the Applicant seeks to have the trust terminated so that the suit property can be transferred to him as the beneficiary of the deceased.
6. The matter proceeded by way of affidavit evidence and brief oral submissions by counsel for the Applicant. The Applicant attended court virtually.
7. The only issue for determination is whether the trust herein ought to be terminated and the suit property vested in the Applicant.
8. Having considered the Originating Summons, Supporting Affidavit together with the annexures as well as counsel's submissions and the relevant legal framework, I am of the view that the application is merited.
9. Consequently, I enter judgment for the Applicant and make the following final orders:

a) THAT Land parcel L.R No. KOMOTHAI KIAMBURURU/766 registered in the name of Gladys Nyamuhu (Deceased) as trustee for the Applicant be and is hereby vested in the name of Stephen Kimotho Njuguna, the Applicant herein as the beneficial owner thereof.

b) THAT any trust subsisting over the suit property be and is hereby declared terminated and that

the Applicant shall hold the suit property absolutely free from any trust.

c) THAT the Land Registrar, Kiambu Land Registry is hereby directed to effect the transfer of land parcel L.R No. KOMOTHAI KIAMBURURU/766 to Stephen Kimotho Njuguna and remove any entries relating to the trust in the name of Gladys Nyamuhu Njuguna.

d) I make no order as to costs.

Dated, signed and delivered virtually at Thika this 2nd day of October 2025.

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J. M ONYANGO
JUDGE

In the presence of:

Mr. Muge for the Applicant

Court Assistant: Hinga