



REPUBLIC OF KENYA



In re Estate of the Late Titus Waithaka Karuga (Deceased) (Succession Cause 270 of 1992) [2025] KEHC 17585 (KLR) (Family) (27 November 2025) (Ruling)

Neutral citation: [2025] KEHC 17585 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 270 OF 1992
HK CHEMITEI, J
NOVEMBER 27, 2025
IN THE MATTER OF THE ESTATE OF THE LATE
TITUS WAITHAKA KARUGA (DECEASED)

BETWEEN

LUCY NYOKABI KIMITI APPLICANT

AND

NICHOLAS WAITHAKA NGUGI 1ST RESPONDENT

ROSE MUTHONI NGUGI 2ND RESPONDENT

RULING

1. In her application dated 2nd July 2025 the Applicant seeks orders that:-
 - (a) The court through the Deputy Registrar do execute the transfer form LR A 50 on behalf of the Respondents who have declined to do so.
 - (b) Upon execution by the Deputy Registrar of this court in order (a) above the same be deemed as sufficient instrument for completion/transfer documents of LR NO Kiambaa/Karuri/T.448.
 - (c) The court be pleased to order the Applicant to select a credible surveyor to survey and subdivide LR NO. Kiambaa/Karuri/T.448 in equal shares.
 - (d) The court do direct the Respondents to avail to the court original copy of the title for LR NO. Kiambaa/Karuri/T.448 which is currently in their custody.
 - (e) The officer in charge of Karuri Police Station to assist in enforcement of order (d) above.
 - (f) Costs to the Applicant and any other relief of the court.



2. The application is based on the grounds thereof as well as the Applicant's sworn affidavit dated 24th June 2025.
3. The application is not opposed.
4. The Applicant in a nutshell is the administratrix of the estate of her late husband Leonard Kimiti Waithaka and who was the son to the deceased herein.
5. That her late husband was a beneficiary of half share of LR NO. Kiambaa/Karuri/T.448 pursuant to the grant dated 28th November 2000.
6. She thereafter obtained the grant on behalf of her late husband pursuant to Succession Cause No. 213 of 2017 and dated 16th May 2018.
7. It was her case that the Respondents have refused to effect transfer of the portion due to her husband's estate despite several reminders.
8. Having perused this old matter, I find the application merited. The Applicant is already an administrator of the estate of her husband who was a beneficiary herein. The Respondents have no right in withholding the deceased estate to the detriment of the genuine beneficiaries like the Applicant.
9. Consequently, I direct that:-
 - (a) The Applicant shall get a licensed surveyor to carry out the subdivision of land parcel number Kiambaa/Karuri/T.448 into two equal portions.
 - (b) The Deputy Registrar of this court shall execute all the necessary transfer instruments to ensure transfer to the Applicant of her portion.
 - (c) The Respondents are directed to release to the Deputy Registrar of this court the original title for land parcel number Kiambaa/Karuri/T.448 within 14 days from the date herein and in default the conveyancing exercise shall proceed in the absence of the said original title and the relevant land registry shall proceed to carry out registration exercise the absence of the original title notwithstanding.
 - (d) The officer in charge Karuri Police Station shall oversee the above subdivision exercise.
 - (e) Costs of this application to the Applicant.

DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 7TH DAY OF NOVEMBER 2025.

H K CHEMITEI

JUDGE

