



REPUBLIC OF KENYA



In re Estate of Estate of Charles Muraguri Njogu (Deceased) (Succession Cause 540 of 2010) [2026] KEHC 922 (KLR) (4 February 2026) (Ruling)

Neutral citation: [2026] KEHC 922 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE 540 OF 2010
DKN MAGARE, J
FEBRUARY 4, 2026**

BETWEEN

GEORGE MAINA MURAGURI APPLICANT

AND

CATHERINE WANJIKU MURAGURI RESPONDENT

AND

EPHRAIM MURIUKI NJOGU INTERESTED PARTY

RULING

1. By the Notice of Motion application dated 25.7.2025, the Applicant sought the following reliefs:
 - a. The Grant issued and confirmed to M M (now deceased), be upon confirmation, be revived and reissued to G W M.
 - b. The revocation proceedings initiated by the Applicant against the said M M and withdrawn upon her death be reinstated and continued against the Respondent as the grant holder.
2. The application was supported by the Affidavit of the Applicant, who deposed that in order to substitute the deceased M M , the Grant revoked by virtue of the death of M ought to be first reinstated.
3. The Respondent, who was deposed, is the daughter of the deceased M M and was suited to be the administrator.
4. The Grant herein became inoperative following the demise of M M , the Administrator within the meaning of Section 76(e) of the *Law of Succession Act* and is subject to substitution and revival.
 1. Hitherto in my ruling of 6th day of March, 2025, I made the following orders:



- i. The application filed herein seeks to revoke the grant issued to the 1st Respondent. It is dated 30/9/2015. The 1st Respondent is since deceased. The grant was revoked by operation of the law. There is nothing remaining to revoke.
 - ii. Secondly, having transferred the sole property to the 2nd Respondent, Section 93 of the *Law of Succession Act* sets in.
 - iii. Thirdly, having concluded the estate before his death, there is nothing the parties can administer. Their claim lies elsewhere.
6. The difference between the first application and the current application is that there is an admission that the grant was revoked by operation of law. There is also no matter related to a specific asset. The first question is whether to consider the interested party's opposition.
7. Even though the Interested Party vigorously opposed the application, as an interested party, his level of participation is limited. The court cannot entertain the quest by an interested party who seeks to come at the center of the proceedings, take over the mantle and purport to arrest and change the course of the proceedings by turning into an Objector or Protestor. The Interested Party herein cannot revoke or revive the grant. If he so wished, he ought to have come in as an Objector, Protestor or any other Applicant or Respondent known in the realm of succession proceedings. As is, the Interested Party herein is a creature of peripheral participation. I am guided by the finding of the Supreme Court *Trusted Society Of Human Rights Alliance –vs- Mumo Matemo & 5 Others* (2014) eKLR in as follows:

Consequently, an interested party is one who has a stake in the proceedings, though he or she was not a party to the cause ab initio. He or she is one who will be affected by the decision of the Court when it is made either way. Such a person feels that his or her interest will not be well articulated unless he himself or she herself appears in the proceedings, and champions his or her cause.
8. The Interested Party herein will no doubt advance his interest in the revived grant and proceedings, and I see no manner in which he will be prejudiced. However, I have already directed that the claim lies elsewhere.
9. It is difficult to call the orders that are issued a revival. It is the issuance of a fresh grant. Should the grantee wish to deal with the other issues, then they cannot be dealt with in the circumstances, having regard to the earlier ruling. The applicant has a legitimate claim to the estate and prays for letters of administration in lieu of the deceased administrator. No one will begrudge her.

Determination

10. In the upshot, I make the following orders:
 - i. The application dated 24.7.2024 is merited and partly allowed.
 - ii. The Grant of Letters of Administration issued to M M , now deceased having been revoked by operation of the law, cannot be revived.
 - iii. A fresh grant is issued to the estate of the deceased herein to G W M, having undertaken to faithfully administer the estate.
 - iv. Other orders sought ought to be in a different application or forum, as the court cannot deal with the issuance of a grant and other matters which are of interest to other parties.



- v. Any other proceedings in the matter should be dealt with independently of the application herein.
- vi. Directions on other pending applications on 22.4.2026.
- vii. Each party shall bear own costs.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 4TH DAY OF FEBRUARY, 2026.
RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

KIZITO MAGARE

JUDGE

In the presence of: -

Mr. Mwangi for the Applicant

Ms. Njuguna for the Respondent

George Maina present

Court Assistant – Michael

