

REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE NO. 238 OF 2013

IN THE MATTER OF THE ESTATE OF NGUMBA s/o KIBE
(DECEASED)

JOSEPH BOURNE GITERU

JOHN ROBINSON KAMAU

**GITHAIGA NGUMBA (As beneficiaries of the estate
Of the late Ngumba s/o Kibe - Deceased)**

MARY LURENCINAH WANJIRU

HELEN WAMUCII GITONGA

**MARTHA HUINI GITONGA (As Administrators of
The estate of the late Josphat Gitonga Kingori -
Deceased beneficiary of the estate of the late
Ngumba s/o Kibe)**

APPLICANTS

RULING

1. This is a Proforma application for revocation, re-issue, and rectification of the grant. The main reason is that both administrators are dead, making the grant inoperative and useless. However, prayer 3(a) does not fall within the context

of the rest of the application. The application seeks the following orders:

- a) The grant Letters of Administration to Robert Gethi Ngumba and Josphat Gitonga Kingori made on the 10th day of July, 2014 be revoked on the ground that it has become useless and inoperative by virtue of the deaths of both grant holders.
 - b) Upon such revocation, the grant be revived and be issued to Joseph Borne Giteru the first applicant and Mary Lurencinah Wanjiru the 4th applicant.
 - c) The grant if re-issued be rectified in the following respects:-
 - (i) By substitution of the name "Robert Gethi Ngumba" wherever it appears with the name Joseph Borne Giteru.
 - (ii) By substitution of the name "Josphat Gitonga Kingori" in paragraph (ii) of the schedule to the Certificate of Confirmation of Grant with the name "Estate of Josphat Gitonga Kingori."
2. Grant of letters of administration intestate to the estate of the late Josephat Gitonga Kingori, as confirmed, was annexed to the supporting affidavit. The death certificate of the late Robert Gethi Ngumba was also annexed.
3. There is a consent signed by John Robinson Kamau, Githaiga Ngumba, Helen Wamucii Gitonga, and Martha Huini Gitonga. These were said to be the administrators of the estates of the

deceased beneficiaries, Josephat Gitonga Kingori, and the beneficiaries of the estate of the late deceased herein.

4. In respect of land parcel number Mahiga/Kihome/406, parties allegedly agreed to have one of them hold the said parcel in trust. This will change the architecture of the grant that was confirmed in the court below.
5. Noting the circumstances of the case, prayers 1 and 2 of the said application dated 13.08.2025 are merited and are consequently allowed.
6. However, there is one imbrogio as relates to prayer 3(a). There is no basis to hold Joseph Bourne Giteru responsible for holding land in trust since upon the demise of Robert Gethi Ngumba, the trust was terminated. The beneficiaries are not under any disability at all. In the circumstances, I decline to allow any trust to be created.
7. The court will therefore, give effect to the grant hitherto issued in respect thereof, by not creating a trust but sharing Land Parcel No. Mahiga/Kihome/406 measuring 1.9 acres (0.7692 Ha) equally among the entitled beneficiaries.
8. Therefore, Land Parcel No. Mahiga/Kihome/406 measuring 1.9 acres (0.7692 Ha) shall devolve equally to:
 - a) John Robinson Kamau - 0.6333 acres
 - b) Joseph Bourne Giteru - 0.6333 acres

c) Githaiga Ngumba - 0.6333 acres

9. If any beneficiary is deceased, the shares will go to and be registered in the estate of the late beneficiary upon production of a valid death certificate.
10. The properties given to Josphat Gitonga King'ori shall be registered in the names of the estate of the late Josphat Gitonga King'ori as prayed.
11. Transmission be completed by 2/8/2026.

Determination

12. In the circumstances, I make the following orders:
 - a) The grant issued to Robert Gethi Ngumba and Josphat Gitonga Kingori, both deceased, is hereby revoked.
 - b) A fresh grant is issued to Joseph Bourne Giteru and Mary Lurencinah Wanjiru.
 - c) The grant so issued is confirmed as per the revoked grant, except that, land parcel No. Mahiga/Kihome/406 measuring 2.7 acres shall devolve as follows:
 - a. John Robinson Kamau - 0.6333 acres
 - b. Joseph Bourne Giteru - 0.6333 acres
 - c. Githaiga Ngumba - 0.6333 acres
 - d. The estate of the late Josphat Gitonga Kingori (Deceased) 0.8 acres (0.3239 ha)
 - d) Transmission be completed by 2/8/2026.

e) If any beneficiary is deceased, the shares will go to and be registered in the estate of the late beneficiary upon production of a valid death certificate.

DELIVERED, DATED and SIGNED at NYERI on this 2nd day of February, 2026. Ex tempore ruling delivered through Microsoft Teams Online Platform.

KIZITO MAGARE
JUDGE

In the presence of: -

Mr. Mwangi Kariuki for the Applicants

Court Assistant - Michael