

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAKURU**  
**SUCCESSION CAUSE NO. 316 OF 1998**

**PUBLIC TRUSTEE ADMINISTRATION CAUSE NO. 224 OF 1994**  
**IN THE MATTER OF THE ESTATE OF MUTURI MUNJU- (DECEASED)**

**AND**

**IN THE MATTER OF SECTION 47 OF THE LAW OF SUCCESSION ACT  
CAP 160 LAWS OF KENYA RULES 49 AND 73 OF THE PROBATE AND  
ADMINISTRATION RULES**

**PUBLIC TRUSTEE.....ADMINISTRATOR/APPLICANT**

**VERSUS**

**DAVID NJUGUNA MUTURI..... RESPONDENT**

**RULING**

1. Vide Summons dated 19<sup>th</sup> September, 2025 and filed on 23<sup>rd</sup> September, 2025 the Public Trustee sought the for the following Orders:-

1. *Spent.*

2. *This Honourable Court be pleased to order /compel David Njuguna Muturi (Respondent) avail copies of his National Identity Card , KRA PIN Certificate , passport photos and to execute or sign all requisite transfer documents (transmission forms in respect to parcel of land known as TITLE NO. KABAZI /MUNANDA BLOCK 2/154 for purposes of effecting transfer upon all the beneficiaries and in accordance with the rectified Certificate of confirmation of Grant issued and dated the 11<sup>th</sup> November, 2024.*

3. *In default , this Honourable Court be pleased to issue order authorising the Deputy Registrar of this Court to execute or sign all the requisite documents (transmission forms) in respect to the parcel of land known as TITLE NO. KABAZI /MUNANDA BLOCK 2/154 on behalf of David Njuguna Muturi (Respondent) who has*

*declined to do so or in event he is reluctant to do so, for purposes of effecting transfer upon all the beneficiaries and in accordance with the rectified Certificate of confirmation of Grant issued and dated the 11<sup>th</sup> November, 2024.*

- 4. Upon execution by the Deputy Registrar of this Court in Order (3) above, the same be deemed as sufficient instruments for completion or transfers documents.*
  - 5. The Honourable Court be pleased to issue an order directing Land Registrar Nakuru to dispense with the production of copies of National Identity Card , KRA PIN Certificate , passport photos of David Njuguna Muturi (Respondent) for purposes of executing transfer or transmission documents.*
  - 6. This Honourable Court compels the 2<sup>nd</sup> Respondent to effect the transfer of the suit property to the Applicant.*
  - 7. This Honourable Court, in case the 1<sup>st</sup> Respondent fails to handover the original title deed to the Applicant, Orders the 2<sup>nd</sup> Respondent to revoke the suit property's original title in the name of the 1<sup>st</sup> Respondent and provide a new original copy with the Applicant's name.*
  - 8. The costs of this application be provided for.*
2. The application is premised on the grounds on the face of the application and supported by the Affidavit sworn on even date by Charles K.K. Cheruiyot, Counsel for the Public Trustee.
  3. In summary, the deponent stated that the Grant of Letters of Administration of the said Estate was issued to Public Trustee in this matter on 24<sup>th</sup> July 1998 and was confirmed on 7<sup>th</sup> July 2000.
  4. The Rectified Certificate of Confirmation of Grant was issued by this Court on 1<sup>st</sup> November 2024 in the presence of and in participation of David Njuguna

Muturi (Respondent) whereby the parcel of land known as **TITLE NO. KABAZI /MUNANDA BLOCK 2/154** was to be shared equally between David Njuguna Muturi (Respondent) and Wanjiku Muturi Munju (widow) in the rectified Certificate of Confirmation of Grant issued by this Court on 11<sup>th</sup> November 2024.

5. The Public Trustee prepared the transfer forms LRA 42 dated 20<sup>th</sup> January, 2025 in the names of David Njuguna Muturi (Respondent) and Wanjiku Muturi Munju (widow) in order to transmit the parcel of land known as **TITLE NO. KABAZI /MUNANDA BLOCK 2/154** to them equally in equal share and give effect to the Rectified Certificate of the Confirmation of Grant but the Respondent herein has been uncooperative and declined to avail the copies of his National Identity Card , KRA PIN Certificate , passport photos and to sign the all the requisite transfer documents (transmission forms) in respect of this parcel of land.
6. It is stated that the widow herein is advanced in age and has greatly been inconvenience by the Respondent who has been personally served with letters and the documents from Public Trustee but has declined to receive and sign the same.
7. The Public Trustee is therefore apprehensive that the Respondent will never sign the documents hence the reason for this application seeking intervention by this Court.

### **Determination**

8. This Court has considered the Summons, the grounds thereof and the annexures thereto. This Court's record shows that the deceased left behind the Widow herein and four children ,that is, three daughters and one son being the Respondent herein. They all attended court on 11<sup>th</sup> November 2024 in regard to the Application dated 12<sup>th</sup> June, 2024 seeking rectification of the Confirmed Grant. Despite the Respondent's initial objection to proposed mode of

distribution of the property herein, they all asked this Court to give them time to discuss the matter and agree. Counsel for the Public Trustee was present. They were given the chance as sought and shortly afterward, they came back and each confirmed that they had agreed on the mode of distribution as per the application for rectification of Confirmed Grant.

9. Pursuant to that agreement, the Grant was rectified accordingly and this Court commended the family for that consent. However, it is now apparent that the Respondent does not wish to cooperate hence derailing the process of distribution in accordance with the Rectified Grant.

10. Despite being urged to avail the stated documents and sign the transmission forms, he has failed to do so and has also refused to attend Court when served to do so. In such circumstances, Rule 73 of the Probate and Admiralty Rules provide that: ***“Nothing in these Rules shall limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.”***

11. Considering the age of the matter, the advanced age of the Deceased’s widow herein, there is no justification whatsoever for any further delay.

12. For those reasons, this Court issues the following Orders: -

- 1. David Njuguna Muturi (Respondent) be and is hereby ordered to avail within Fourteen (14 ) days from today, copies of his National Identity Card , KRA PIN Certificate , passport photos and to execute or sign all requisite transfer documents (transmission forms) in respect to parcel of land known as TITLE NO. KABAZI /MUNANDA BLOCK 2/154 for purposes of effecting transfer upon all the beneficiaries and in accordance with the rectified Certificate of confirmation of Grant issued and dated the 11<sup>th</sup> November, 2024.**

2. In default , the Deputy Registrar of this Court be and is hereby authorised to execute or sign all the requisite documents (transmission forms) in respect to the parcel of land known as TITLE NO. KABAZI /MUNANDA BLOCK 2/154 on behalf of David Njuguna Muturi (Respondent) for purposes of effecting transfer upon all the beneficiaries and in accordance with the rectified Certificate of confirmation of Grant issued and dated the 11<sup>th</sup> November, 2024.
3. Upon execution by the Deputy Registrar of this Court in Order 3 above, the same be deemed as sufficient instruments for completion or transfer documents.
4. The Land Registrar Nakuru be and is hereby directed to dispense with the production of copies of his National Identity Card , KRA PIN Certificate , passport photos David Njuguna Muturi (Respondent) for purposes of executing transfer or transmission documents.
5. The costs of this Application be borne by the Estate.

Dated , signed and delivered at Nakuru this 18<sup>th</sup> day of February, 2026.

**PATRICIA GICHOHI**  
**JUDGE**

**In the presence of:**

**Mr. Cheruiyot for Public Trustee /Applicant**

**Beneficiaries**

**N/A by Respondent**

**Erickson , Court Assistant**