



In re Estate of John Gatuu Gichuhi alias John Gatu Gichuhi (Deceased) (Succession Cause 380 of 1991) [2026] KEHC 1531 (KLR) (Family) (13 February 2026) (Ruling)

Neutral citation: [2026] KEHC 1531 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 380 OF 1991
PM NYAUNDI, J
FEBRUARY 13, 2026
IN THE MATTER OF THE ESTATE OF JOHN GATUU
GICHUHI ALIAS JOHN GATU GICHUHI (DECEASED)

RULING

1. By application dated 15th July 2025, the applicant seeks for his reinstatement as an administrator and that the certificate of confirmation of grant be rectified so as to alter the mode of distribution. He states that the grant was originally issued on 24th June 1991 and was subsequently rectified on 20th May 2014. He proposes that the mode of distribution be amended so that the property is shared equally among the siblings and that in addition Geoffrey Gichuhi Gatu to be allocated Kambi Ya Moto/ Menengai Block 1/131.
2. The application is opposed by the respondents who charge the applicant with intermeddling with the Estate of the deceased. They contend that he is not the right person to administer the Estate of the deceased. The Administrators provide the following particulars with regard to the alleged intermeddling with the estate-
 - a. That he disposed of the property known as Plot No. 2 Ol-Rongai Settlements scheme. It is contended that he benefited from the proceeds of the sale to the exclusion of the other beneficiaries, in support of this they have attached sale agreement dated 18th October 1997 executed by the applicant.
 - b. They have also attached sale agreement also executed by the applicant in respect to the sale of Nakuru/ Oloongai/550, it is submitted that he did not share the proceeds of sale with the other beneficiaries.
 - c. It is alleged he sold off Nakuru Municipality 22/566 and Nakuru Municipality Block 22/ 568.
 - d. It is alleged that the applicant is in possession of the title for the parcel of land known as Muguga Investment Co. Limited (LR 26030)



- e. It is submitted that the applicant disposed on the property known as Kiambogo/ Mirorei Block 1/482.
 - f. Further it is submitted that the applicant disposed of Nakuru / Olongai phase 11/543.
 - g. The applicant is also charged with disposing with the Shares held at ABSA bank, and keeping the proceeds to himself.
3. The respondent's submitted that there has been partial administration, with property Kambi Ya Moto Menengai Block 1/131, being vested in the beneficiary Geoffrey Gichuhi Gatu. Property number Kijabe/ Kijabe/2859 is in the name of the current administrators in trust for the beneficiaries of the estate.
 4. Two assets are the subject of Court litigation namely, Nakuru Municipality Block 22/4 and Muguga/ Muguga 262.
 5. LR 12384 is still in the name of the former administrator Esther Muciku Gatu (now deceased).
 6. The applicant has sworn further affidavit denying that he sold the parcels of land. He states that estate parcels were sold to meet estate liabilities or as a consequence of court proceedings (Ol- Rongai Settlement Scheme Plot No. 2 and Muguga/ Muguga/ 358 and Muguga/ Muguga/ T329)
 7. Plot no Nakuru Municipality Block 22/4 was recovered after settling of loans.
 8. Upon reading the pleadings herein Having read the pleadings herein, I frame the issues for determination-
 - a. Whether the grant herein should be revoked so as to allow for the appointment of a 3rd administrator, the applicant herein?
 - b. What if any are the consequential orders?
 9. It is now well established that Court's in considering an application for revocation will exercise that discretion judiciously having regard to the best interests of the beneficiaries. See the decision in the case of Albert Imbuga Kisigwa v Recho Kawai Kisigwa [2016] KEHC 1528 (KLR), Mwita J. made pertinent remarks on principles for the revocation of a grant as follows:

(13) Power to revoke a grant is a discretionary power that must be exercised judiciously and only on sound grounds. It is not discretion to be exercised whimsically or capriciously. There must be evidence of wrong doing for the court to invoke section 76 and order to revoke or annul a grant. And when a court is called upon to exercise this discretion, it must take into account interests of all beneficiaries entitled to the deceased's estate and ensure that the action taken will be for the interest of justice.
 10. The grant herein was rectified in 2014 to appoint the current administrators. The applicant who was a former administrator wishes to review those orders and reinstate his appointment. I am not satisfied that the applicant has laid a basis to entitle him to the orders sought. It is conceded that the transmission of the estate should be finalised, I am not persuaded that it is necessary to include the respondent to achieve this. Further his application is not supported by any of the beneficiaries. He wishes to amend the mode of distribution. He does not have the support of the other applicants. That application must fail.
 11. With regard to consequential orders, the applicants have made allegations that the respondent has transferred some assets. The evidence presented before Court does not show that the ownership has



been transferred. This is important as the defendant denies disposing of the assets. If they wish to pursue this they must demonstrate that the applicant has facilitated the change of ownership.

12. The Administrators should proceed to distribute the assets as provided for in the certificate of confirmation. They will only be exempt from this obligation where there are able to confirm change of ownership. The administrators will therefore proceed to finalise the transmission of the estate within 6 months.
13. The matter will be mentioned on 24th July 2026 to confirm transmission and receive the administrator's report on transmission.
14. This being a family matter there shall be no order as to costs.

It is so ordered.

SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 13TH DAY OF FEBRUARY 2026.

P .M NYAUNDI

HIGH COURT JUDGE

In the presence of:

Fardosa Court Assistant

Peter Gatu in person

Erastus Gatu in person

Rahab Gatu a beneficiary in person

