

REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE NO. 1070 OF 2010

IN THE MATTER OF THE ESTATE OF WAMAI WAMBUGU
alias WAMAI s/o WAMBUGU (DECEASED)

PETER GATHERE
PETITIONER/APPLICANT

WANJAU.....

RULING

1. The Applicant seeks to have the court sign forms to title Gikondi/Kiirungi/50 to the beneficiaries.
2. The court had ordered that the same be shared in two sets at 0.3665 acres each amongst 8 beneficiaries, including Evans Karoki Ndegwa. 0.293 acres was to be shared among 5 beneficiaries, including Maina Wanjau. In effect, 13 subdivisions were required.
3. The administrator initially did 12 portions and later 4 portions. This is not in accordance with the rectified Certificate of Confirmation of Grant issued on 26/7/2023.
4. Consequently, the Respondents were right in refusing to sign the transmission forms as they are contrary to grant. I therefore expunge any subdivision carried out without regard to the grant in situ.

5. The application dated 8/12/2025 is hereby dismissed. The administrator shall cause the County Surveyor to map out the estate in accordance with the confirmed grant in situ. Upon completion of the exercise, the beneficiaries shall thereafter sign relevant transmission forms. The foregoing shall be undertaken within two months from the date hereof.
6. The objectors should pay their fair share of survey fees through the first objector's advocate.
7. The file is closed.

DELIVERED, DATED and SIGNED at NYERI on this 17th day of February, 2026. Ruling delivered physically in open court.

KIZITO MAGARE
JUDGE

In the presence of: -

Ms. Ng'ang'a for the first Objector

Applicant present

Beneficiaries present

Court clerk - Michael

ORIGINAL