



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYANDARUA

PROBATE & ADMINISTRATION NO. E022 OF 2025

IN THE MATTER OF THE ESTATE OF:

EDITH WANJIKU KAMAU..... DECEASED

BETWEEN

JACKSON NGIGE KAMAUADMINISTRATOR/RESPONDENT

AND

RUTH NJERI KAMAU.....1ST APPLICANT

FRANCIS NJENGA KAMAU2ND APPLICANT

PETERSON MAINA KAMAU.....3RD APPLICANT

RULING

1. Ruth Njeri Kamau, Francis Njenga Kamau and Peterson Maina Kamau, the applicants herein, moved the court by way of summons for revocation of the grant dated the 25th of November 2021 under Rule 44(1) & (2) and Rule 76 of the Probate and Administration Rules. He was represented by Martin Gathumbi & Company Advocates. The application is premised on the following grounds:

- a) The grant was obtained fraudulently by making a false statement that the deceased left a written will.
- b) The petitioner failed to disclose to the court at the time of obtaining the grant that Titles Nos. Nyandarua/Ngorika/657, 658, 659, and 660 were the subject of a court case, ELC No. 1938 of 1994, which was then pending in court.

2. The respondents were represented by Musa Boaz & Thomas Advocates. The application was opposed on the following grounds:

- a) That no evidence of fraud or concealment was adduced by the applicants.

- b) That all the beneficiaries, who included the applicants, were apprised of every stage of the proceedings.
 - c) That the land parcel numbers Nos. Nyandarua/Ngorika/657, 658, 659, and 660 remained free property of the deceased and were properly devolved.
3. In their oral testimony, the applicants argued that the administrator acted against the family's agreed-upon decision. This was confirmed by Francis Njenga Kamau's testimony.
 4. After reviewing the file, I noted a consent dated August 26, 2005. All applicants signed it, agreeing to appoint Francis Njenga Kamau, Peterson Maina Kamau, and Jackson Ngige Kamau as administrators.
 5. Though the applicants based their application on an allegation of fraud, the same was not proven, but instead they raised other matters which were not contained in the summons for revocation.
 6. The application has no merit and is therefore dismissed. Since this is a family matter, each party will cover its own costs.

Delivered and signed at Nyandarua, this 4th day of March 2026

KIARIE WAWERU KIARIE

JUDGE