



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**SUCCESSION CAUSE NO. E382 OF 2013**

**IN THE MATTER OF ESTATE OF FRANCIS NJOROGE (DECEASED)**

**DENNIS GICHARU NJOROGE.....PETITIONER**

**GRACE WANJIRU NJENGA.....APPLICANT**

**EX-TEMPORE RULING**

1. I have before me a summons for revocation of grant by applicants who are purchasers of a portion of the deceased estate.
2. The application is dated 16<sup>th</sup> October, 2025 and is largely premised on delay in transmission.
3. The applicants are not related to the deceased and as such it would be untenable to be appointed as personal representatives of the deceased.
4. The grounds, evidence and arguments advanced in support of the summons falls short of the statutory parameters for revocation of a grant.
5. The administrators while opposing the summons have justified the delay to be occasioned on a survey and sub-division which mutation has been rejected by the registrar of lands for having a road allocation at 7.5 meters instead of 9m.

6. The applicants purchased 1 acre from the deceased and are such entitled to 1 acre irrespective of the remainder and allocation of a 9 meters road.
7. I find the summons for revocation of grant to be lacking in merit.
8. However, to ensure the administrators undertake the transmissions and settle the estate I am inclined to direct and orders as follows:
9. The summons for revocation of grant dated 16<sup>th</sup> October, 2025 is dismissed for lack of merit.
10. The applicants shall pay to the administrators costs of the Application assessed at Kshs.35,000/=.
11. The Administrators are to undertake a fresh survey and sub-division ensuring the Applicants have an allocation of 1 acre as well as a road reserve of 9 meters. The remainder shall be distributed equally amongst all the remaining beneficiary within 60 days.
12. A mention date to confirm survey and subdivision shall be after 60 days on 20<sup>th</sup> April, 2026.
13. It is so ordered.

**Dated, Signed and Delivered at Nakuru**  
**On this day of 17<sup>th</sup> Day of February, 2026**

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**S. Mohochi**  
**JUDGE**