



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

SUCCESSION CAUSE NO. E135 OF 2023

IN THE MATTER OF ESTATE OF SAMUEL NJENGA NJOROGE

(DECEASED)

JANE WATURI NJENGA.....APPLICANT

EX-TEMPORE RULING

1. Before me is a summons for revocation of grant dated 16th September, 2025 by a purchaser on the ground that the deceased had sold him a portion from the Dundori/Lanet Block 6/50 (KIAMUNYEKI – B) measuring 0.5 acre.
2. That he took possession thereon and constructed a school and the deceased died before effecting a transfer.
3. And that all along he had been holding on the deceased original title. That he had moved Court in ELC E073 of 2025 seeking to obtain transfer from Respondent.
4. The Respondent on her part argues the estate was lawfully transmitted to her and that the Court is *“functus officio”*.
5. The Applicant argues that the grant was obtained fraudulently.

6. In considering this application, I am persuaded that the Applicant had rightful basis to object to the issuance of the grant or confirmation on the same he failed to utilize the statutory provisions available.
7. However, the Respondent cannot act unaware of a person who has erected a school upon the only property constituting the asset of the deceased.
8. While I am persuaded that the Respondent has committed material non-disclosure the same falls short of the required standard to revoke the grant.
9. This Court has inherent jurisdiction to address the Applicants concerns without revoking the grant.
10. The Court is alive of the proceedings in ELC E073 of 2025 the correct forum to adjudicate the dispute.
11. That being the case, it is crucial that the applicants' interests be ring-fenced while proceedings in ELC E073 of 2025 are ongoing.
12. I am thus inclined to dismiss the summons dated 16th September, 2025 and make the following order:
13. An Order of inhibition is hereby issued to be forthwith registered upon Dundori/Lanet Block 6/50 (KIAMUNYEKI – B) pending hearing and determination of Nakuru ELC No. E073 of 2025.
14. The Respondent is hereby restricted from sale, transfer, subdivision of any portion of Dundori/Lanet Block 6/50 (KIAMUNYEKI) pending hearing and determination of Nakuru ELC No. E073/2025.

15. By virtue of the entire estate of the deceased having been transmitted to the Respondent, any further motions shall only be filed in ELC No. E073 of 2025.
16. The file shall accordingly be marked as closed.
17. Parties shall bear their own costs.

Dated, Signed and Delivered at Nakuru
On this day of 17th Day of February, 2026

S. Mohochi
JUDGE