



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

SUCCESSION CAUSE NUMBER E002 OF 2022

**IN THE MATTER OF THE ESTATE OF THE LATE GEORGE
EDWARD KARANU (DECEASED)**

**ZIPPORAH NJERI KARANU ----- BENEFICIARY/
APPLICANT**

VERSUS

**DAVID KANGETHE KARANU ---- 1ST
ADMINISTRATOR/RESPONDENT**

**ANN MUTHONI KARANU ----- 2ND ADMINISTRATOR/
RESPONDENT**

**JOSEPH KANGETHE KARANU - 3RD
ADMINISTRATOR/RESPONDENT**

**ANNE MUTHONI KARANU ---- 3RD ADMINISTRATOR/
RESPONDENT**

RULING

1. By Summons dated 28/6/2025, the 4th Administrator of the Estate and one Michael Waireri Karanu (“the 1st and 2nd Applicants respectively”) seek reliefs as hereunder;-

1. Spent.

2. That pending hearing and determination of the Application and the substantive suit, an interlocutory order of inhibition be issued inhibiting dealings in properties known as LR 8851 - 3, LR 8851-21 and LR 4630 - 35 situated in Nakuru County, and inhibiting further registration of new certificate of titles derived from the subdivision and amalgamation of the suit property until the Applicant herein is appointed as a Director of New Waka Investments (1986) Limited, thus having the legal capacity to sign all the transfer of certificate of titles together with the other three Administrators, in stipulation with the consent on the Schedule of Distribution and Certification of Confirmation of Grant, both dated 4th July 2023.(sic)

3. That pending hearing and determination of this Application and substantive suit, an interlocutory order of inhibition be issued inhibiting dealing with Certificate of Titles being

LR 33858/24, 25, 26, 27, 28, 29, 30, 31, 32 and 33 which were processed through the amalgamation and subdivision of LR 8851 - 21 situated in Nakuru County.

- 4. That the court be pleased to issue an order compelling the 1st, 2nd and 3rd Respondents through their individual e-citizen accounts to appoint Dr. Anne Karanu as a Director of New Waka Investments (1986) Limited, as stipulated in the consent on the Schedule of Distribution and Certificate of Confirmation of Grant, both dated 4th July 2023. (sic)**
- 5. That the court be pleased to issue an order cancelling any transfer of Certificate of Title signed by the 1st, 2nd, 3rd Respondents in their capacity as Administrators of the Estate and Directors of New Waka Investments (1986) Limited, as any such transfer is null and void if signed by only three Directors as it infringes upon the consent on the Schedule of Distribution and the Certificate of Confirmation of Grant, both dated 4th July 2023 which stipulate that a resolution was made that the 4th Administrator of the Estate would act and perform the duties of the Directors of New Waka Investments (1986)**

Limited for the purpose of enforcing and executing the transfers in the consent. (*sic*)

6. That the court does issue and order compelling the 1st, 2nd and 3rd Respondents to report to the Beneficiaries of the Estate any actions and transactions undertaken as Directors of the Company since being appointed as Directors.
7. That the court does issue a further order allowing the Applicants to appoint their own professional to rectify the Certificate of Titles being L.R. 33858/24, 25, 26, 27, 33 which were processed through the flawed amalgamation and subdivision of L.R. 8851 - 21.
8. That the court be pleased to issue an order of Rectification compelling the Registrar of Titles to rectify the Certificate of Titles for L.R. 22858/24 - 33 which were processed through the flawed amalgamation and subdivision of LR 8851 - 21 and for the said Certificate of Title to be in accordance with;
 - a) A new subdivision scheme map signed by 10 (ten) beneficiaries which takes into account 10 affected Beneficiaries who require to have titles adjusted to accommodate the two 3rd party Beneficiaries being Patmat Limited and

DPL Festive Limited, in accordance with the original sale agreement and taking into consideration their original land allocations which should not have been altered and concealed at the time of the signing of the scheme plans.

b) The Confirmed Grant dated 4th July 2023 in the Succession Cause Number E002/2022; which necessitated due diligence be carried out for the 3rd party purchases being Patmat, DPL and the deceased George Edward Karanu.

c) To effect the Equal subdivision of property amongst the Beneficiaries.

9. That the court does issue a further order compelling the 4th Respondent to provide documents evidencing the surrender of LR 33858 - 15 to the Government as it was initially designated as a road in the signed scheme map yet it was dubiously allocated of the same being referenced as LR 33858 - 1.

10. That an order be issued compelling the 4th Respondent Respondent to issue Beacon Certificates to the Applicants as well as Beneficiaries known as Richard Karanu and Pauline Walker, showing the correct co-

ordinates and GPS positioning for all their new certificate of titles issued through the amalgamation and subdivision of LR 8851 - 3, 8851 - 21 and LR 4630 - 35. (sic)

11. That the court does issue another order compelling the 1st Respondent to pay Kshs. 700,000/= to the Estate's joint Absa Bank Account, and for the 3rd Respondent to pay Kshs. 1,700,000/= to the said Estate's joint Absa Bank Account. (sic)

12. That the court does issue an order directing the Administrators of the Estate to a meeting aimed at paying the terminal benefits of the former employees of the deceased named Margaret Wairimu Mwangi and Ibrahim Mathenge (Aged 61 years) Njoroge (Aged over 80 years).

2. The Application is supported by affidavit evidence of the 1st Applicant. She avers that she has discharged her duties as Administratrix to the best of her abilities. It is alleged that the 1st, 2nd and 3rd Respondents are in the process of transferring the impugned certificates of title to individual Beneficiaries of the Estate and third Parties without

appointing the 4th Administratrix as a Director of the company alluded to above.

3. *Inter alia* the 1st Applicant generally complains of exclusion from the process of transmission of the Estate following confirmation of the Grant of Letters of Administration herein. She contends that some properties comprising the Estate have been unilaterally transferred even to third parties.
4. The Respondents swore affidavits in reply opposing the Application.
5. Some of the Counsel appearing for the parties filed written submissions which I have perused against the affidavit evidence and the records since titles have been issued to beneficiaries of the Estate some of whom appear to have gone on to transfer their interests to third parties, it would appear that the issues raised in the Application fall within the jurisdiction of the Environment and Land Court. This court may not have jurisdiction to cancel issued titles as it being asked to do by the Applicants. It is noted that the Applicants have instituted a suit over the dispute in the

Environment and Land Court (ELC) as discerned from the proceedings of 5th May 2025. All the parties appeared to prefer that this matter be stayed to await determination of the claim before the ELC but this court had directed otherwise.

6. Having had the benefit of studying the affidavits filed in relation to this Application, I now agree that this matter ought to await determination of the ELC case. In any event, this court is substantively through with this matter having confirmed the Grant and considering that titles seem to have been transferred to beneficiaries of the Estate. Perhaps what remains is for the Administrators of the Estate to render accounts of their administration of the Estate pursuant to **Section 83 of the Law of Succession Act**.
7. Because of the ELC matter, therefore, I shall not determine this Application on merits. Instead, this matter and the Application are stayed pending conclusion of the ELC proceedings.

J. M. NANG'EA - JUDGE

Ruling delivered virtually this 17rd day of March, 2026.

In the presence of:

Ms Mbanya Advocate for the 1st and 2nd Administrators

Mr. Musinga Advocate for the 4th Administrator

Mr. Ochieng Advocate for the 4th Respondent

Mr. Nderitu Advocate for Richard Karanu Beneficiary

Mr. Mwanila Advocate for Nancy and Sylvia - Beneficiaries

Court Assistant (Jeniffer)

J.M. NANG'EA - JUDGE.

ORIGINAL