



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 2274 OF 1994**  
**IN THE MATTER OF THE ESTATE OF THE LATE DEDAN**  
**MUGO KIMANI (DECEASED)**

**SUSAN WANJIRU KARANJA .....  
APPLICANT**

**VERSES**

**GRACE MUKONO MUGO ..... 1<sup>ST</sup>  
RESPONDENT**

**ASHFORD GITAU MUGO ..... 2<sup>ND</sup>  
RESPONDENT**

**KENNEDY D MUGO KIMANI ..... 3<sup>RD</sup>  
RESPONDENT**

**JOEL KIMANI MUGO ..... 4<sup>TH</sup>  
RESPONDENT**

**RULING**

1. In her application dated 19<sup>th</sup> December 1996 the Applicant seeks the following orders:-

- (a) That the grant of letters of administration issued to Grace Mukono, Ashford Gitau Mugo, Kennedy Mugo and Joel Kimani Mugo on the 26<sup>th</sup> January 1995 and confirmed on 23<sup>rd</sup>**

**February 1996 be revoked and or annulled on the grounds that the same was obtained by the concealment of material facts, making of untrue allegations and fraudulently.**

**(b) All the necessary directions from the court.**

2. The application is supported by the Applicant's sworn affidavit of the same date in which she avers that she was the daughter of the deceased who had three wives.
3. That the deceased left behind several children who included Grace the surviving widow and administrator. She further stated that the deceased prior to his death had subdivided this parcel of land to the four administrators and titles issued except Kabete/Gikuni/T.108.
4. She deponed that the proceedings herein were secretly brought and that the said Grace Mukono was illiterate and was duped by the rest of the petitioners.
5. She further said that there was no meeting of the dependants of the deceased herein so as to chose the administrators and therefore their intentions were to deny the rest of the dependants their inheritance rights.
6. The application was opposed by the sworn joint affidavit of Kenneth Kimani Mugo, Ashford Gitau Mugo and Kennedy D Mugo Kimani dated 11<sup>th</sup> August 2025.

7. They deponed that Grace one of the administrators herein died on 18<sup>th</sup> May 2017 and her son Kenneth Kimani Mugo took out letters of administration.
8. On the other hand, Joel Kimani Mugo died on 6<sup>th</sup> November 2009 and there is a pending succession case number E133 of 2024 at Kikuyu law courts.
9. They further deponed that the Applicant was the daughter of the said Grace Mugo and a brother to Kenneth Kimani Mugo and step sister to the other administrators.
10. They said that they already knew that she had withdrawn the case and were shocked to learn that it was still in existence many years later.
11. They stated that the beneficiaries had already taken possession of their portions and carried out developments and for those who had died the transmission had already gone to the respective beneficiaries.
12. They accused the Applicant of acting in bad faith by taking the title deed for Kabete/Gikuni/T.108 and depositing it with MP Shah hospital as a collateral over 20 years ago. They accused her of taking it from her mother Grace and they could not therefore subdivide the land.
13. They claimed that she had migrated to Canada and therefore failed and or refused to pay the liability.
14. They prayed that the application be dismissed.

## **ANAYSIS AND DETERMINATION**

15. The court directed the parties to file written submissions which they have complied and the court has perused them extensively together with the cited authorities.
16. What is not in dispute is that the Applicant is the deceased's daughter from her marriage with the late Grace who was an administrator to the estate together with the others herein.
17. The application is premised on the fact that this suit was done surreptitiously and without notifying the Applicant and the rest of the dependants.
18. Apparently, it is only the Applicant who has filed the application for revocation and the rest of the beneficiaries have not.
19. It is also noteworthy that her late mother Grace did not complain that she was duped by the rest of the beneficiaries/dependants /administrators into participating in this suit.
20. Of significance however is what the Respondents have raised in their submissions, namely, laches. The Applicant filed the application close to 30 years ago and it was only last year that she decided to revive.
21. There is no reason absolutely why she waited for almost three decades so as to come back to this court and revive her application. The court had even directed the matter to be heard by way of *viva voce* evidence and the last time

the matter was in court was on 11<sup>th</sup> June 1998 when it was stood over generally because the parties were absent.

22. I do agree entirely that even though the Succession Act does not have a limitation period the parties in a matter such as the case at hand must act within a reasonable time in prosecuting their claim. It is not enough to file a matter then take a walk and come back thirty years later to revive it.
23. In any event already and based on the affidavit evidence on record the dependants/beneficiaries have long settled on the ground based on the confirmed grant and have undertaken their developments without any let or hindrance. All the while the Applicant was simply watching either in Kenya or Canada without any interruption.
24. Most of the beneficiaries and in particular the two administrators including the Applicants' mother have since passed on and her brother taken out letters of administration.
25. I presume that in regard to the portion due to her mother she has to square it out with her brother and leave the rest of the families to carry on with their lives.
26. On the same note it is simply not enough to cite the provisions of Section 76 of LSA dealing with grounds for revocation of grant and throw it to the court. One must demonstrate what has been breached. I do not for instance see what was concealed from the Applicant. The

Applicants/administrators filed the cause and gazetted it in the usual manner and went ahead to have it confirmed after the expiry of statutory days.

27. The Applicant had opportunity to challenge it at any level but she failed. She accused the other beneficiaries of duping her illiterate mother into signing the same. Her mother passed on in 2017 without swearing any deposition in support of the Applicants' claim.
28. In my view therefore, the Applicant has never been serious in prosecuting this matter. Even if she was to prosecute the same does not meet the threshold set out under of Section 76 of LSA or any such other portion of the Act to warrant revocation of the grant.
29. The Applicant must let the family be and as for the title deed acting as a security for some debt at MP Shah hospital, that is for the family to decide and beyond my paygrade for now.
30. **I think, I have demonstrated that the application is hopelessly out of time and unmerited and the same is hereby dismissed with costs to the Respondents.**

**Dated signed and delivered at Nairobi via video link  
this 30<sup>th</sup> day of April 2026.**

**H K CHEMITEI  
JUDGE**