



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Josiah Njehia Thomas Gitiya (Deceased) (Succession Cause 77 of 2008) [2025] KEHC 5081 (KLR) (29 April 2025) (Ruling)

Neutral citation: [2025] KEHC 5081 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 77 OF 2008
HI ONG'UDI, J
APRIL 29, 2025**

IN THE MATTER OF THE ESTATE OF JOSIAH NJEHIA THOMAS GITIYA – DECEASED.

IN THE MATTER OF

RACHEL WAITHIRA NGUGI 1ST APPLICANT

THOMAS GITAU NJEHIA 2ND APPLICANT

RULING

1. I have been able to peruse the application dated 5/3/2025 filed by way of Notice of Motion. It is supported by the grounds on its face plus the supporting affidavit of Rachel Waithera Ngugi and Thomas Gitau Njehia the Applicants.
2. The application seeks a review of the orders made on 26/2/2015 confirming the grant so that additional information in respect of the deceased's estate may be included.
3. Prayer 3 of the Notice of Motion lists a number of properties belonging to the deceased which were not available at the time of distribution. They are Mau Summit/Molo Block 1 Numbers 1603, 1611, 1607, 1597, 1596, 1605 and 1606.
4. Paragraph 4 lists who the purchasers of the above properties are. It's the applicants' prayer that the said pieces/parcels of land be vested in the said purchasers. Annexed to the application are the sale agreements in respect of the said parcels of land. The vendor in all the sale agreements is Josiah Njehia Thomas Gitiya the deceased herein.
5. The allocation to the purchasers as per the sale agreements is as follows:
 - i. David Mirara Githinji and Harun Njoroge Githinji (joint purchasers) of Mau Summit/Molo Block 1/1603
 - ii. Harun Njoroge Mwangi and Florence Wanjiru Kiiru (joint purchasers) of Mau Summit/Molo Block 1/1611



- iii. Tom Mokuah (purchaser) of Mau Summit/Molo Block 1/1607
 - iv. John Kimani Ngige and Stephen Kihara Wairimu (Joint purchasers) of Mau Summit/Molo Block 1/1597.
 - v. Stanley Wainaina Githinji (purchaser) of Mau Summit/Molo Block 1/1596
 - vi. Grace Wamboi Kiarie (purchaser) of Mau Summit/Molo Block 1/1605
 - vii. John Kimani Ngige (Purchaser) of Mau Summit/Molo Block 1/1606
6. The sale agreements show that each parcel measures 0.045 Hectares.
 7. I am satisfied that the purchasers are entitled to ownership of the said parcels of land and the Applicants who are the Administrators of the Estate of the deceased Josiah Njehia Thomas Gitiya want to have the land released to each of the purchasers. I therefore allow the application dated 5th March, 2025 in terms of prayers 2, 3 and 4. The orders are that:
 - a. The rectified certificate of confirmation of grant issued on 26th February 2015 is hereby further rectified to include the parcels of land set out in prayer 3 of the Notice of Motion and paragraph 3 of this Ruling.
 - b. The said parcels of land shall vest in the purchasers whose names are set out in prayer 4 of the Notice of Motion and paragraph 5 of this Ruling.
 8. This is a very old matter which needs to be finalized. With the above identification and outline I hereby direct the Land Registrar Nakuru to fast track the issuance of Title deeds to the purchasers upon payments of the requisite fees.
 9. Costs of the application to be paid for by the estate of the deceased.
- Orders accordingly.

DELIVERED VIRTUALLY THIS 29TH DAY OF APRIL, 2025 IN OPEN COURT AT NAKURU.

H. I. ONG'UDI

JUDGE

In the presence of Mr. Mbugua for M/s Wamaitha for both petitioners/Applicants

Jamleck C/A

