



REPUBLIC OF KENYA



**In re Estate of Mbui Mutunyi alias M'mbui Mutunyi (Deceased) (Succession Cause 113 of 2004) [2023] KEHC 2948 (KLR) (30 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2948 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 113 OF 2004**

**TW CHERERE, J**

**MARCH 30, 2023**

**IN THE MATTER OF THE ESTATE OF MBUI MUTUNYI ALIAS  
M'MBUI MUTUNYI  
(DECEASED)**

**IN THE MATTER OF**

**SOLOMON KIRIMI KIRIGIA ..... PETITIONER**

**AND**

**FERDINARD GATOBU MBUI ..... 1<sup>ST</sup> APPLICANT**

**PATRICK MURIUNGI ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. By rectified certificate of confirmation of grant dated December 18, 2018, deceased's estate was distributed as follows: -
  - A) LR. No. Nkuene/U-Mikumbune/351
    - a) Beatrice Tirindi Mbwiria - 0.68 ha
    - b) Ferdinand Gatobu Mbui - 0.95 ha
    - c) Geoffrey Riungu Mbui - 0.68 ha
    - d) Solomon Kirimi - 0.68 ha
  - B) LR. No. Nkuene/Nkumari/642 jointly in undivided shares.to
    - a) Jennifer Karimi
    - b) Gladys Nduru



- c) Salome Tirindi
- d) Maritha Karoki M'Rukaria
- e) Patrick Muriungi
- f) Nannis Kanyari

2. By summons dated November 27, 2020 supported by an affidavit sworn by Patrick Muriungi on November 27, 2020 seek the following orders:
- 1. Rectified Certificate of Confirmation of Grant dated December 18, 2018 be rectified by replacing land parcel LR. No. Nkuene/Nkumari/542 with the correct parcel number LR. No. Nkuene/Nkumari/642
  - 2. The name of Gladys Nduru be rectified to read Gradis Nduru
3. That LR. No. Nkuene/Nkumari/542 be distributed to Gradis Nduru, Patrick Muriungi and Nannis Kanyari jointly in undivided shares since Jennifer Karimi and Maritha Karoki M'Rukaria are deceased

#### **Analysis and determination**

4. I have considered the application in the light of the affidavits on record and annexures thereto.
5. The primary duty of the Probate Court is to distribute the estate of the deceased to the rightful beneficiaries. This matter relates to the estate of Estate of Mbui Mutunyi Alias M'Mbui Mutunyi (Deceased) and an attempt to have the shares for Jennifer Karimi and Maritha Karoki M'Rukaria who are deceased beneficiaries of the estate is declined.
6. Consequently, this court makes the following orders:
- 1. Rectified Certificate of Confirmation of Grant dated 1December 8, 2018 shall further be rectified by replacing land parcel LR. No. Nkuene/Nkumari/542 with parcel number LR. No. Nkuene/Nkumari/642
  - 2. The name of Gladys Nduru shall be rectified to read Gradis Nduru
  - 3. LR. No. Nkuene/Nkumari/642 shall be distributed jointly in undivided shares as follows:
    - a) The estate of Jennifer Karimi
    - b) Gradis Nduru
    - c) Salome Tirindi
    - d) The estate of Maritha Karoki M'Rukaria
    - e) Patrick Muriungi
    - f) Nannis Kanyari

**Dated at Meru this 30<sup>th</sup> Day of March 2023**

**WAMAE.T. W. CHERERE**

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**JUDGE**

**Appearances**



**Court Assistant - Morris Kinoti**

**For Applicant - Mr. Ringera for Gatari Ringera & Co. Advocates**

**For Petitioner - N/A**

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