



**In re Estate of Gladys Wambui Munuhe alias Gladys W. Munuhe alias Munuhe Gladys Wambui (Deceased) (Succession Cause 1 of 2018) [2023] KEHC 2494 (KLR) (29 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2494 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
SUCCESSION CAUSE 1 OF 2018  
M MUYA, J  
MARCH 29, 2023**

**IN THE MATTER OF**

**FAITH WAIRIMU MUNISHE ..... 1<sup>ST</sup> PETITIONER  
GRACE WAITHERA MUNUSHE ..... 2<sup>ND</sup> PETITIONER  
SAMUEL STEPHEN MATU MUNUHE ..... 3<sup>RD</sup> PETITIONER**

**RULING**

- Directions were given by my sister Mshila J On July 1, 2019 on a protest which the intended applicant wished to file at the time there was disagreement on the mode of distribution on two properties, namely,
  - Golf course estate house
  - Mombasa property
- The matter was referred for mediation purposes. The mediation was not successful and another property was added to the dispute. This was a house at blue valley
- Later on May 24, 2022 after further mediation efforts failed to bear fruit, the court ordered the parties to file their proposed mode of distribution.
- The deceased Gladys Wambui Munuhe was survived by the following
  - Faith Wairimu Munuhe
  - Grace Waithera Munuhe
  - Samuel Stephen Munuhe
  - Eddy Njoroge Munuhe
- Apart from Grace W Munuhe who is the protestor, the other three have filed their consent on the mode of distribution



6. Immovables
  1. ½ share Nairobi block 32 – Parcel No 255  
50% to Grace Waithera Munuhe  
50% to be shared equally between Faith Wairimu Munuhe, Samuel Stephen Matu Munuhe and Eddy Njoroge Munuhe.
  2. ½ share Rugura/Karuthu/962 – to be shared equally by the 4 beneficiaries.
  3. Nyeri Blue Valley House 2/167 – C 1108/147 – goes to Eddy Njoroge Munuhe 100%
  4. Kiambaa/Thimbigua/1139 – Donated to ACK, St Angela – Githima
  5. ½ share of Mombasa plot 11MN/322 50% to Grace Waithera Munuhe and 50% to be shared equally between Faith Wairimu Munuhe, Samuel Stephen Matu Munuhe and Eddy Njoroge Munuhe As for the Movables, to be shared equally by the 4 beneficiaries.
- 7 The protestor Grace W Munuhe filed her proposed mode of distribution dated June 22, 2022 in which she
  1. Agrees that ½ Land Parcel Ruguru/Karuthi/962 be shared equally by the 4 beneficiaries but after survey.
  2. The Mombasa property at Utange Plot 11MN/322 –Land to be surveyed first 50% shares to her. 50% to be shared by the 4 beneficiaries.
  3. Blue Valley House Nyeri to be shared by herself and Eddy Munuhe.
  4. Muchatha Land. Land to be donated to the Church upon production of all documents.
  5. Reasons  
She gives the reason for her desire to share the Blue Valley House with Eddy Njoroge and Eddy Njoroge to have one of the Houses belonging to their father, and not named in his will.
- 8 She contends that her siblings Faith Munuhe and Samuel Munuhe who were each given a house at Karen still want to share the Golf Course property with her.
- 9 That she has already lost the Mombasa property at Utange to Squatters.

### **Analysis and conclusion**

- 10 As for the Blue Valley House in Nyeri and her offer to Eddy Njoroge to take another house in Nairobi, Eddy himself has not consented to this arrangement and nor have the other beneficiaries.
- 11 As for plot No Nairobi 32/255 at Golf Course Estate, it is noted that ½ share interest was bequeathed to Grace Waithera Munuhe.
- 12 I have duly perused the affidavit dated June 17, 2022 and received in court on the same day and I am satisfied that it presents a fair distribution of the deceased estate. It was signed by three out of the four beneficiaries. I have noted the protestor’s grounds but I find that they have been properly captured and addressed in that affidavit of consent. For the avoidance of doubt,  
The Golf Course house in Nairobi block No 32/255 – 100% shares to be vested on Grace Waithera Munuhe.



The Blue Valley House in Nyeri Block LR No BTP No 167 – 100% to Eddy Njoroge Munuhe.

13 Subsequently, the grant of letters issue on July 2, 2018 is hereby confirmed with distribution as per paragraph 3 of the affidavit dated June 17, 2022. Certificate to issue.

**Ruling Read, Signed and delivered in open court at Nyeri this 29<sup>th</sup> day of March, 2023.**

**HON JUSTICE MARTIN M MUYA**

**JUDGE**

In the presence of:

Faith.....

Eddy.....PETITIONERS

Court Assistant: Kinyua

30 days R/A.

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**SUCCESSION CAUSE NO.1 OF 2018**

