



REPUBLIC OF KENYA



In re Estate of Phares Nyaga Mutunga (Deceased) (Succession Cause 123 of 1993) [2023] KEHC 21225 (KLR) (27 July 2023) (Directions)

Neutral citation: [2023] KEHC 21225 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 123 OF 1993
TW CHERERE, J
JULY 27, 2023**

BETWEEN

LYDIA KANINI PHARES 1ST APPLICANT

ROSEMARY KANGAI NYAGA 2ND APPLICANT

AND

JOHN MARANGU NYAGA PETITIONER

DIRECTIONS

1. Respondent does not deny that the Applicants are his sisters and beneficiaries of deceased's estate.
2. The Certificate of Confirmation of Grant dated August 4, 1994 clearly discloses that Applicants were not provided for.
3. For the court to make an informed decision in this matter, the Respondent was by notice dated July 19, 2023 requested to provide green cards for the following assets:
 - a. LR Mwimbi/Chogoria/1544
 - b. LR Mwimbi/Chogoria/1545
 - c. LR Mwimbi/Chogoria/1546
 - d. LR Mwimbi/Chogoria/1548
4. The green cards filed on July 25, 2023 reveal as follows:
 - a. LR Mwimbi/Chogoria/1544 was registered in the name of John Marangu on October 21, 1994
 - b. LR Mwimbi/Chogoria/1545 was partitioned into title numbers 5802 and 5803



- c. LR Mwimbi/Chogoria/1546 was partitioned into title numbers 5800 and 5801
- d. LR Mwimbi/Chogoria/1548 was partitioned into title numbers 5794 to 5799
5. Flowing from the green cards, this court finds that it cannot make an informed decision without confirming in whose names the partitions arising from deceased's estate are registered.
6. The Respondent is hereby directed to within 30 days of today's date file and serve the following documents:
 1. Search certificate for LR Mwimbi/Chogoria/1544
 2. Search certificates for LR Mwimbi/Chogoria/5802 and LR Mwimbi/Chogoria/5803
 3. Search certificates for LR Mwimbi/Chogoria/5800 and LR Mwimbi/Chogoria/5801
 4. Search certificates for LR Mwimbi/Chogoria/5794, LR Mwimbi/Chogoria/5795, LR Mwimbi/Chogoria/5796, LR Mwimbi/Chogoria/5797, LR Mwimbi/Chogoria/5798 and LR Mwimbi/Chogoria/5799
 5. Ownership documents for the following assets:
 - i. Plot No 120 Chuka Township
 - ii. Plot No 9 Mabeche Market
 6. Share certificates No xxxx. xxxx and xxxx with Kenya Commercial Bank
7. Further to the foregoing, it is further ordered that pending the determination of the notice of motion dated January 12, 2023, orders of inhibition shall issue restricting any dealings with:
 - i. LR Mwimbi/Chogoria/1544
 - ii. LR Mwimbi/Chogoria/5802
 - iii. LR Mwimbi/Chogoria/5803
 - iv. LR Mwimbi/Chogoria/5800
 - v. LR Mwimbi/Chogoria/5801
 - vi. LR Mwimbi/Chogoria/5794
 - vii. LR Mwimbi/Chogoria/5795
 - viii. LR Mwimbi/Chogoria/5796
 - ix. Mwimbi/Chogoria/5797
 - x. LR Mwimbi/Chogoria/5798
 - xi. LR Mwimbi/Chogoria/5799
 - xii. Plot No 120 Chuka Township
 - xiii. Plot No 9 Mabeche Market
8. Mention on October 26, 2023 to confirm compliance with these orders and for directions and/or further orders



DATED AT MERU THIS 27TH DAY OF JULY 2023

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistant - Morris Kinoti

For Applicants - Mr. Gitari for Nathan Mwaura & Co. Advocates

For Respondent - Mr. Ngugi for Kimathi for L.Kimathi Kiara & Co. Advocates

