



REPUBLIC OF KENYA



KENYA LAW
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In re Estate of Nahashon M'mwongo alias Nahashon Mwongo (Deceased) (Succession Cause 401 of 2013) [2023] KEHC 24507 (KLR) (26 October 2023) (Ruling)

Neutral citation: [2023] KEHC 24507 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 401 OF 2013
TW CHERERE, J
OCTOBER 26, 2023**

BETWEEN

POLLY KANYUA IKIUGU APPLICANT

AND

ANDREW GIKUNDA RAIKANYA RESPONDENT

RULING

1. By an order dated March 16, 2023, this court issued the following orders among others that:
 1. Title numbers 4764, 4765, 4766, 4767, 4768, 4769 and 4770 arising out of subdivision of LR. Nyaki/Mulathankari are hereby cancelled
 2. Certificate of Confirmation of Grant issued on June 23, 2022 shall be rectified by distributing deceased's estate in LR. Nyaki/Mulathankari/154 equally to deceased's children as follows:
 - a. 1/7 to Angelina Nkirote Mungania
 - b. 1/7 to the estate of Julius Raikanya (deceased)
 - c. 1/7 to the estate of Miriam Mukuba (deceased)
 - d. 1/7 to Josephine Mwari Nyaga
 - e. 1/7 to the estate of George Mbajo (deceased)
 - f. 1/7 to the estate of Rose Nthama (deceased)
2. I have considered the application for review dated September 5, 2023 and the submission by the respondent's counsel that there is indeed an error on the face of the record that necessitates a review.



3. The order dated March 16, 2023 reveals that there is indeed an error on order No. 2 above in that whereas the estate was to be distributed into 7 parts, the name of the Applicant was inadvertently omitted.
4. It is therefore hereby ordered:
 1. Summons dated September 5, 2023 is allowed in the following terms:
 - a. Order 2 of the Orders issued on March 16, 2023 is reviewed by inserting the name of Polly Kanyua Ikiugu as follows:
 - i. 1/7 to Angelina Nkirote Mungania
 - ii. 1/7 to the estate of Julius Raikanya (deceased)
 - iii. 1/7 to the estate of Miriam Mukuba (deceased)
 - iv. 1/7 to Josephine Mwari Nyaga
 - v. 1/7 to the estate of George Mbajo (deceased)
 - vi. 1/7 to the estate of Rose Nthama (deceased)
 - vii. 1/7 to Polly Kanyua Ikiugu
 2. Mention on 14th December to confirm distribution

DATED AT MERU THIS 26TH DAY OF OCTOBER 2023

WAMAE. T. W. CHERERE

JUDGE

Appearances

For Respondent - Ms. Asuma for Mutembei & Kimathi & Co. Advocate

For Applicant - Mrs Mutegi for Mutegi Mugambi & Co. Advocates

