



REPUBLIC OF KENYA



KENYA LAW

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In re Estate of Ibuuri Gichiu alias Ibuuri s/o Gichiu (Deceased) (Succession Cause 489 of 2013) [2022] KEHC 11674 (KLR) (30 June 2022) (Ruling)

Neutral citation: [2022] KEHC 11674 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 489 OF 2013
TW CHERERE, J
JUNE 30, 2022
IN THE MATTER OF ESTATE OF IBUURI
GICHIU ALIAS IBUURI S/O GICHIU (DECEASED)**

BETWEEN

CATHERINE NYOROKA MUTHURI APPLICANT

AND

JASON GATOBU 1ST PETITIONER

M'ANAMPIU M'BUURI 2ND PETITIONER

RULING

1. The court reveals that on 27th February, 2017, the deceased's beneficiaries among them the Applicant attended court for confirmation of the grant. The record demonstrates that Onginjo J. took her time to record the names and ID card numbers of the beneficiaries present among them including Catherine Nyoroka the applicant herein whose ID card was recorded as xxxx.
2. On the ground that some beneficiaries were absent, confirmation was adjourned to 27th March, 2017.
3. On 27th March, 2017 which is the date that the grant was confirmed, the judge again recorded that Catherine Nyoroka Mugambi ID card xxxx was present.
4. It is therefore deceitful of the Applicant to come before this court claiming that the consent to the mode of distribution was forged whereas she appeared before the court on the date of the confirmation of the grant and did not raise any objection
5. From the foregoing, the orders that commend to me and which I hereby issue are as follows:
 1. The summons dated 06th May, 2022 and filed on 11th May, 2022 is an abuse of the court process and it is dismissed.



2. Orders of inhibition issued on 24th June, 2022 are vacated
3. This matter shall be mentioned on 14th November, 2022 to confirm distribution of the estate.

DATED AT MERU THIS 30TH DAY OF JUNE 2022.

WAMAE T.W. CHERERE

JUDGE

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Mwirigi for Mwirigi & Nzomo & Co. Advocates

For Respondents - Mr. Otieno for Otieno C & Co. Advocates

