



**Hassan v Musa & another; Thurania & 2 others (Interested Parties) (Succession Cause 62 of 2012) [2022] KEHC 27096 (KLR) (23 June 2022) (Ruling)**

Neutral citation: [2022] KEHC 27096 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 62 OF 2012  
TW CHERERE, J  
JUNE 23, 2022**

**BETWEEN**

**MURIUKI MUSA HASSAN ..... PETITIONER**

**AND**

**ROSE KANYUA MUSA ..... ADMINISTRATRIX**

**AND**

**SARAH GAUKU MUSA ..... OBJECTOR**

**AND**

**NAOMI KAGURI THURANIRA ..... INTERESTED PARTY**

**CAROLINE KATHURE KIRIGIA ..... INTERESTED PARTY**

**JEREMIAH KIAMBATI MAJAU ..... INTERESTED PARTY**

**RULING**

1. I have considered the summons dated 22<sup>nd</sup> March, 2022 and the response filed on behalf of the Respondents on 23<sup>rd</sup> May, 2020.
2. I understand the Respondents to say that the Applicant caused the estate to be subdivided in an unfair manner so that her portions front a tarmac road while other beneficiaries' portions lie on sloppy, swampy and inhabitable area which fact the Applicant has not denied.
3. It is to be remembered that all beneficiaries rank in equal priority and any distribution that is prejudicial to any of the beneficiaries is unacceptable. I have no doubt in my mind that this is a matter that the parties, given a chance are able to resolve for the best interest of each one of them.
4. It is therefore hereby ordered that:



1. Summons dated 22nd March, 2022 is dismissed
2. The parties shall engage a surveyor (government or private), who shall ensure equitable distribution of the estate in compliance with this court's orders issued on 15<sup>th</sup> November, 2018
3. The costs of the surveyor shall be borne equally by the beneficiaries
4. Mention on 19<sup>th</sup> October, 2022 to confirm compliance with orders (1) and (2) above and for further orders

**DATED AT MERU THIS 23RD DAY OF JUNE 2022**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Kariuki for Mithega & Kariuki Advocates

For Respondents - Ms. Gatheru for Carlpeters Mbaabu & Co. Advocates

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