



**In re the Estate of Tabitha Wanjiru Mwithimbu alias Wanjiru M'mwithimbu (Deceased)
(Probate & Administration 98 of 2013) [2022] KEHC 11197 (KLR) (4 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11197 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
PROBATE & ADMINISTRATION 98 OF 2013**

EM MURIITHI, J

AUGUST 4, 2022

**IN THE MATTER OF THE ESTATE OF TABITHA WANJIRU MWITHIMBU
ALIAS WANJIRU M'MWITHIMBU (DECEASED)**

IBRAHIM MUGWE GAKAU.....PETITIONER

VERSUS

DORIS NKIROTE KIMATHI.....1ST PROTESTOR

WILFRED GITHINJI WAMAI.....2ND PROTESTOR

JOSEPH KIAMA GACHUNGI.....INTERESTED PARTY

RULING

1. The interested party has by summons dated March 16, 2022 made an application for the court to amend the rectified certificate of confirmation of grant issued on August 12, 2020 to include two (2) acres of the parcel of land Kirimara/Kithithina/Block 1/71 to be distributed to Joseph Kiama Gachungi and for the reissue of the Grant in those terms. The application is based on the ground that the court had set aside [apart] two (2) acres of the parcel of land to await the interested party taking out appropriate proceedings to assert his ownership over the portion of the property.
2. The supporting affidavit of the interested party has attached the decree dated April 21, 2021 of the Environment and Land Court in the Civil Suit No 18 of 2019 (OS) wherein the applicant was declared the owner of (2) acres of land parcel Kirimara/Kitithina/Block1/71 through adverse possession.
3. Counsel for the protestors indicated that the application is not opposed.

Orders

4. Consequently, the court having established that the issue of the interested party's title to the portion of the land subject of this present application had been determined by the Environment and land Court, makes the following orders:



1. The grant of letter of administration intestate herein shall be reissued and rectified to include two (2) acres of parcel number Kirimara/Kithithina/Block 1/71 to be transferred to the Joseph Kiama Gachungi, the interested party herein.
2. Each party shall bear their own costs.
3. File closed.

Order accordingly.

DATED AND DELIVERED THIS 4TH DAY OF AUGUST 2022.

EDWARD M MURIITHI

JUDGE

Appearances:

M/S Chweya & Associates, Advocates for the interested party.

Ms. Wangu for Mr Wanjohi the protestors.

