



**In re Estate of Manene Kioga (Deceased) (Succession Cause
677 of 2013) [2022] KEHC 16658 (KLR) (21 December 2022) (Ruling)**

Neutral citation: [2022] KEHC 16658 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 677 OF 2013
TW CHERERE, J
DECEMBER 21, 2022
IN THE MATTER OF THE ESTATE OF MANENE KIOGA (DECEASED)**

BETWEEN

JAMES MURIITHI KIOGA 1ST APPLICANT

EVANGELINE MWARANIA 2ND APPLICANT

AND

JOSEPH KIMATHI 1ST RESPONDENT

LUCY NJERI 2ND RESPONDENT

KATHURE MANENE 3RD RESPONDENT

RULING

1. By an order dated October 17, 2019, Ongijo, J made the following orders:
 1. Grant made to Joseph Kimathi on September 19, 2019 is hereby confirmed and estate distributed as follows: -LR Abogeta/U-Kiungone/164 to be shared as follows
 - a. Joseph Kimathi – 1.50 acres
 - b. Lucy Njeri – 0.50 acres
 - c. Kathure Manene – 0.50 acres
 - d. 1.00 acre due to Tarasila Mbuthu Manene- now deceased to be shared equally between Joseph Kimathi, Lucy Njeri and Kathure Manene *ie* 0.33, 0.33 and 0.34
2. I have considered the application dated July 26, 2021 in the light of the supporting affidavit and the response by the 1st respondent. Whereas there is no evidence that the order of the court distributing



the estate has been challenged, the 1st respondent still holds the view that he is the only one entitled to deceased's estate and the apprehension that he might resist distribution is therefore real.

3. 1st respondent's explanation that he cautioned deceased's estate in LR Abogeta/U-Kiungone/164 on the ground that other beneficiaries are not entitled to a share of the same is in view of the order dated October 17, 2019 misguided and the caution cannot be allowed to continue hindering the execution of this court's orders.
4. For the foregoing reasons, it is hereby ordered that:
 1. The Land Registrar Meru is directed to lift the caution placed on LR Abogeta/U-Kiungone/164 on March 1, 2016
 2. OCS Murungurune is directed to provide security during the subdivision of LR Abogeta/U-Kiungone/164
 3. Mention on December 15, 2022 to confirm compliance with the abovementioned orders and for further orders

DATED AT MERU THIS 21ST DAY OF DECEMBER 2022

WAMAE TW CHERERE

JUDGE

Appearances

Court Assistant - Morris Kinoti

For 1st Applicant - Mr Mwirigi for Mwirigi Kaburu & Co Advocates

For 2nd applicant - N/A

For 1st respondent - N/A

For 2nd respondent - N/A

For 3rd respondent - N/A

