



REPUBLIC OF KENYA



In re Estate of Saberio M'mutungi Kithamba (Deceased) (Succession Cause 82 of 2007) [2022] KEHC 16614 (KLR) (21 December 2022) (Ruling)

Neutral citation: [2022] KEHC 16614 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 82 OF 2007
TW CHERERE, J
DECEMBER 21, 2022**

BETWEEN

ISABELLA KINYA APPLICANT

AND

SASINTA KATHURE M'MTUNGI RESPONDENT

RULING

1. I have considered the Certificate of Confirmation of Grant dated October 11, 2018. It is indeed true as stated by the Applicant that LR KIIRUA/KIIRUA/NKANDO/1327 which is still registered in the name of deceased was not included in the list of his assets nor was it distributed.
2. I have also considered an order made on February 10, 2009 by Emukule J (as he then was) that LR KIIRUA/KIIRUA/NKANDO/1327 shall be distributed to the Objector then (Geoffrey Gikundi Mutungi) and his aunt Isabella Kinya (Applicant herein).
3. That court order has neither been set aside nor reviewed and remains valid. Consequently, the Applicant's summons for rectification to distributed LR KIIRUA/KIIRUA/NKANDO/1327 exclusively to her is declined and shall be distributed in equal shares to Geoffrey Gikundi Mutungi and Isabella Kinya as ordered by the court on October 10, 2009.

Dated at Meru this 21st DAY OF December 2022

WAMAE.T. W. CHERERE

JUDGE

Appearances

Court Assistant - Morris Kinoti

Applicant - Present in person



For Respondent - Ms. Masamba for Mithega & Kariuki Advocates

