



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

SUCCESSION CASE NO 96 OF 2016

IN THE MATTER OF THE ESTATE OF MAMO MUIRURI MUIGAI alias MUIRURI MAMBO (DECEASED)

ELIZABTH WANGARI NGUGI..1ST PETITIONER/APPLICANT

PETER MUIRURI MWAURA.....2ND PETITIONER/APPLICANT

VERSUS

DAVID KARIUKI MUIGAI.....RESPONDENT

R U L I N G

1. **Elizabeth Wangari Ngugi (Elizabeth)** is one of the administrators in respect of this estate. She has moved this court through the application dated 7th September 2020 seeking an order for release from account at Equity Bank KShs.178,304/= for payment of land rent and rates outstanding on property Title No.45042 and for refund of amount of Kshs.50,000/= she paid to clear rate arrears on plot No. 164 Thika Kamenu and for an order for release from that account KShs.228,304/= for Elizabeth to pay rates for properties Title No 45042 and plot 164 Thika Kamenu.

2. The application is unopposed. Elizabeth deponed that monies held in that Bank account came from the sale of harvesting of quarry in one of the estate's properties. That the signatories of the Bank account, some of the beneficiaries of this estate, have refused to release the amount required to pay land rent and rate.

3. The application in my view is merited. Over and above granting the orders sought I am very concerned with this matter, where the succession cause is still pending before court yet deceased died in 1999 and the running of the estate has as a result of that delay become very convoluted. This situation cannot be permitted to persist. I will give a date at the reading of this Ruling for directions to be given on the hearing of this matter.

4. I grant the following orders:

(a) Prayer (2) and (3) of the summons dated 7th September 2020 is granted as prayed.

(b) At the reading of this Ruling a date will be fixed for all parties to appear before court for directions to be issued on the hearing of this succession cause.

SIGNED AND DELIVERED VIRTUALLY THIS 18th DAY OF MARCH 2021.

MARY KASANGO

JUDGE

18th March 2021

Before Justice Mary Kasango

C/A - Kevin

Applicant – Elizabeth Wangui Ngugi – No appearance

For the Respondent - Ms Mbugu holding brief for Mr. Waweru

COURT

Ruling virtually delivered in their presence.

MARY KASANGO

JUDGE