

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NANYUKI

SUCCESSION CAUSE NO 42 OF 2016

(FORMERLY NYERI SUCCESSION CAUSE NO.79 OF 2016)

IN THE MATTER OF THE ESTATE OF MARGARET MUCHIRU MWAI, DECEASED)

CHRISTOPHER KINYUA MWAI.....ADMIN/APPLICANT

VERSUS

PETER LAWRENCE KINYUA MWAI.....PROTESTER

D I R E C T I O N S

1. When I perused the record of the court in this matter in order to prepare judgment on the **summons dated 06/08/2018 for confirmation of grant**, I noted that there are two certificates of official search in respect to land parcel **L.R. LAIKIPIA/NANYUKI/S. TIMAU BLOCK 2/122 (ETHI)**, which is said to constitute the estate of the Deceased herein.

2. The first certificate of official search dated 16/06/2015 was filed in court on 16/06/2015 along with the petition for grand of letters of administration intestate. It shows that the land was then registered in the sole name of **MARGARET MUCHIRU MWAI**, the Deceased herein. She was so registered on 26/10/1988. She died on 01/10/2014.

3. The second certificate of official search, dated 12/11/2019, was filed in court on 20/11/2019 by the Petitioner/Administrator, **CHRISTOPHER KINYUA MWAI**, who must also have filed the first one. It was filed pursuant to an order of the court entered on 12/11/2019. It says that the land was on 26/10/1988 registered in the names of two persons, **WAMAITHA MWAI** and **MARGARET MUCHIRU MWAI**. How come? One of the two certificates cannot be genuine.

3. Wamaitha Mwai is said to have been a co-wife of the Deceased herein. She is also said to be deceased and that there are not, and have not been any, proceedings in respect of her estate. All the claimants (as beneficiaries) in these present proceedings are children of both these ladies.

4. This court needs to know with certainty who the registered proprietor of the land is so that it can appropriately distribute the same, or the portion thereof belonging to the Deceased in this case. To that end therefore, I direct that the **Laikipia County Land Registrar** do supply to this court **within fourteen (14) days of service of this order** a **certified copy** of the **register (green card)** of land parcel **L.R. LAIKIPIA/NANYUKI/S. TIMAU BLOC 2/122 (ETHI)**. It is so ordered.

5. This matter shall now be mentioned on for further directions.

DATED AND SIGNED AT NANYUKI THIS 22ND DAY OF SEPTEMBER 2021

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 23RD DAY OF SEPTEMBER 2021