



IN THE HIGH COURT OF KENYA AT KIAMBU

CORAM: D. S. MAJANJA J.

CIVIL APPEAL NO. 117 OF 2016

IN THE MATTER OF THE ESTATE OF

MUNGAI NJUGUNA ALIAS MUNGAI NJUGUNA MUCEMA (DECEASED)

BETWEEN

MIRIAM NYAMBURA MUNGAIAPPELLANT

AND

WILSON NJUGUNA MUNGAI1ST RESPONDENT

HENRY NGUGI MUNGAI2ND RESPONDENT

MARY NJERI MAINA3RD RESPONDENT

(Being an appeal from the Judgment and Decree of Hon.J. W. Onchuru, SPM dated 11th March 2015 at the Thika Magistrates Court in Succession Cause No. 102 of 2010)

RULING

1. This appeal concerns the estate of Mungai Njuguna alias Mungai Njuguna Mucema of Kagunduini Location within Kiambu County, who died on 26th October 2000. This is an appeal against the ruling and order of the trial court allowing the summons for confirmation of the grant of letters of administration and distributing the estate of the deceased.
2. One of the issues in contention is a property; MAKUYU/KIMORORI/BLOCK 3/ 344 which was awarded to one Peter Maina Munina, a purchaser. He was not joined to this appeal nor served with the proceedings. He had a right to be heard on the appeal as the court may make orders adverse to him.
3. In the circumstances, the appeal cannot be determined unless the said PETER MAINA MUNINA is joined as a respondent and served with the court process. The appeal is therefore adjourned to enable the appellant to take appropriate steps.
4. Since this is a family matter there shall be no order as to costs.

SIGNED AT NAIROBI

D. S. MAJANJA

JUDGE

DATED and DELIVERED at KIAMBU this 29th day of JANUARY 2020.

J. N. ONYIEGO

JUDGE

Mr Ngigi instructed by Nganga Ngigi and Company Advocates for appellant.

Mr Ochwa instructed by Mohammed and Kinyanjui Company Advocates for the respondent.