



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO. 65 OF 1999

IN THE MATTER OF THE ESTATE OF M'MIRITI THIORA (DECEASED)

CHARLES MURANGIRI.....PETITIONER

-VS-

FESTUS KING'ORI.....OBJECTOR

RULING

1. On 19/9/2019, this court made Judgment and issued fresh grant letters of administration to **Charles Murangiri** and **Festus King'ori**. It directed the parties to file affidavits on their preferred mode of distribution within 30 days.

2. While **Charles Murangiri** filed his on 1/11/2019, **Festus King'ori** had not filed his as at the time of writing this ruling. In his affidavit filed on 1/11/2019, **Charles Murangiri** proposed that the estate be distributed as follows:-

a) L. R. No. Abothuguchi/Kariene/1880 (1.214Ha)

Festus Kingori

Charles Murangiri to share equally

b) L. R. No. Abothuguchi/Kaongo/539(0.38 Ha)

Festus King'ori

c) L.R. No. Abothuguchi/Kariene/1878 (1.7Ha)

Charles Murangiri

3. The only issue before Court for determination is ***how the estate of the deceased is to be distributed.***

4. The estate of the deceased comprises Land Parcel **Abothuguchi/Kariene/1878, 1880 and 539** totalling 8.1356 acres. As for persons surviving the deceased, they were identified as follows.

1st House

1. Nyai M'Miriti - Widow
2. M'Nkori M'Miriti - Son
3. Lucia M'Itwamwari - Daughter
4. Evangeline Nkunya - Daughter
5. Marieta Kathambi - Daughter

6. Rosetta Nkogwe - Daughter

2nd House

1. Festus King'ori - Son

2. Kiruja M'Miriti - Son

5. The widows of the deceased have passed away. As for the children, only **Festus King'ori** and **Marietta Kathambi** are alive. **Charles Murangiri** is a child of **M'Nkori M'Miriti**. There was no evidence that there were other children of **M'Nkori**. **Section 38 of the Law of Succession Act** stipulates that in intestate circumstances, the estate should be distributed equally amongst the surviving children of the deceased.

6. I have considered the proposed distribution by **Charles Murangiri**. I have considered his allegation that one of the properties was given to him by the deceased. There was no evidence to back that allegation. In this regard, I make the following orders:-

a) The grant of letters of administration issued to Charles Murangiri and Festus Kingori, jointly, on 19/9/2019 is hereby confirmed.

b) The estate is distributed as follows:-

i) LR. No. Abothuguchi/Kariene/1880 (1.214Ha)

Charles Murangiri

ii) LR. No. Abothuguchi/Kaongo/539(0.38 Ha)

Festus King'ori

iii) LR. No. Abothuguchi/Kariene/1878 (1.7Ha)

Charles Murangiri - 1.5 acres

Festus King'ori - Balance

It is so ordered.

DATED and DELIVERED at Meru this 23rd day of January, 2020.

A. MABEYA

JUDGE