



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA

CIVIL APPEAL NO. 46 OF 2017

ELIAS KIAMBI.....1ST APPELLANT

MARGARET WANGAMWA MWANGI 2ND APPELLANT

LUCY WAITHIRA WANJIRU 3RD APPELLANT

VERSUS

MARTIN MACHARIA MAINA RESPONDENT

JUDGMENT

1. This appeal arises out of the Judgment in Wanguru Succession Cause No. 315/2016 in the Estate of Benson Maina Wachira. The trial Magistrate ordered that the estate be distributed as follows: -

Martin Macharia Maina

- Land Parcel No. Kiine/Sagana/2688
- Land Parcel No. Kiine/Sagana/1812
- Land Parcel No. Kiine/Sagana/1808
- Land Parcel No. Kiine/Sagana/628
- Plot No. 216 Kutus
- Kengen Shares App 6,000
- KCB Shares app 6,000
- Barclays Bank Nyeri A/c No. [...]
- Goldfish A/c No. [...]

Martin Macharia Maina & Margaret Wagamwa

- Wangatia Health Services A/c No. [...] Barclays Bank

Elias Mwangi Kiambi & Margaret Wangamwa

· **Barclays Bank Queensway A/c No.[...] -**

2. They prayed that the estate be distributed as per the summons for confirmation of grant dated 20/05/2015 (Though erroneously stated as 20/5/17).

3. The appellants Elias Kiambi, Margaret Wangamwa Mwangi and Lucy Waithira Wanjiru were dissatisfied with the entire Judgment of the trial Magistrate and filed this appeal which raises the following grounds: -

a) The learned magistrate erred in fact and in law in holding the 3rd appellant was not a child of the deceased and disinheriting her from the estate of the deceased.

b) The learned magistrate erred in fact and in law in disinheriting the 3rd appellant on the ground that the Chief's letters used in filing succession was written by the Chief of Kimathi Location and the letter introducing the 3rd appellant was written by the Chief of Gikindu Location and failing to take into account that there were new administrative boundaries after devolution of counties.

c) The learned magistrate erred in fact and in law in disinheriting he 3rd appellant on the ground that the elders met after the 3rd appellant was 7 years old which is in accordance with Kikuyu customs.

d) The learned magistrate erred in fact and in law holding that the 1st and 2nd appellants had failed to prove dependency having held that the life cover taken out by the deceased was a sign of dependency.

e) The learned magistrate erred in fact and in law holding that the 1st and 2nd appellants had failed to prove dependency yet she gave the 2nd appellant a share in the deceased businesses.

f) The learned Magistrate erred in fact and in law holding that the 1st and 2nd appellants had failed dependency whereas they weight of evidence showed they depended on the deceased.

g) The learned magistrate erred in fact and in law holding that the 1st and 2nd appellants could depend on their other children and using this finding to disinherit the 1st and 2nd appellants and using wrong principles in the case.

h) The learned magistrate erred in fact and law in disinheriting the appellants by relying on the respondents replying affidavit fully yet the respondent did not testify when given an opportunity.

i) The learned magistrate erred in fact and law in relying on the affidavit of the respondent fully yet he was not cross- examined on the contents thereof.

j) The learned magistrate erred in fact and law in making a judgment that was not based on the evidence before the court and relying on extraneous matters to make her judgment

k) The learned magistrate erred in fact and law in ordering the funds in Barclays Embu Branch be used to pay costs of this succession cause yet the same were not assessed or agreed upon and the funds/bank balances were not specified.

l) The learned magistrate erred in disinheriting the appellants.

4. The appellants pray that:-

- The appeal be allowed.

- The estate of the late Benson Maina be distributed as per the summons for confirmation of grant dated 20/5/2017 in Wang'uru Succession Cause No. 315/2016.

- Costs of the appeal be awarded to the appellants.

5. The respondent opposed the appeal. When the matter came up for directions, the parties agreed to dispose off the appeal by way of written submissions.

6. For the appellants submissions were filed by Ms. Thungu & Co. Advocates. For the respondents no submissions were filed as the counsel failed to file the submissions despite being given a last chance to do so.

7. The background of this case is that Benson Maina Wachira (deceased) whose estate these proceedings relate died intestate on 22/5/2006. A petition for Letters of Administration was filed by Elias Mwangi Kiambi and Margaret Wangamwa Mwangi who were his biological parents. The deceased was not married at the time of his death. A Grant of Letters of Administration was issued on 9/1/2007. The petitioners then filed a summons for confirmation of grant. There were affidavits of protest by Michael Kanyi claiming that the deceased owed him Kshs 231,563.00 which was unpaid at the time of his death. His claim was settled and he withdrew the protest. Bancy Muthoni Kithaka also filed a protest claiming that the deceased was her husband and the father of her child Shelynn Wanjiku Maina.

8. A further affidavit of protest was filed by Martin Macharia Maina claiming that he was the son and the only child of the deceased.

9. A further affidavit was filed by Lucy Waithira NJiru claiming that the deceased was her father and she is entitled to his estate.

10. The Court proceeded to hear the summons for confirmation of grant and the protests. The trial Magistrate distributed the estate as shown above. The appellants then filed this appeal.

Appellant's Case

The 1st and 2nd appellants being parents of the deceased applied for Grant of Letters of Administration intestate of the estate of Benson Maina Wachira (deceased) which they were granted on 29/01/2007. They applied for confirmation of grant on 20/05/2015 stating that the deceased left behind 4 dependants, 2 parents and 2 children.

· **Land Parcel No.Kiine/Sagana/2688 – Lucy Waithira Wanjiru**

· **Land Parcel No.Kiine/Sagana/1808 & · Land Parcel No.Kiine/Sagana/1812 - Dickson Maina (purchaser)**

· **Land Parcel No. Kiine/Sagana/628 – Martin Macharia Maina** (indicated as Kabare/Mukarara/628)

· **Plot No. 216 Kutus - Margaret Wagamwa Mwangi**

· **Kengen Shares 3000 - (Lucy Waithira Wanjiru 1000, Martin Macharia Maina 1000 & Elias Mwangi Kiambi 1000)**

· **KCB Shares 3,000 - (Lucy Waithira Wanjiru 1000, Martin Macharia Maina 1000 & Elias Mwangi Kiambi 1000)**

11. In the affidavit dated 13/08/2015, they stated that the following were not personal accounts of the

deceased.

. **Barclays Bank Nyeri A/C No. [...] – in the name of Wangatia Health Services.**

. **Barclays Bank Queensway A/C No. [...] – in the name of Juhudi Seasons Pharmacy.**

12. That the 2nd petitioner received a letter from pharmacy & poisons Board closing Wangatia Health Services.

13. The 3rd appellant swore an undated further affidavit filed on 17/09/2018 where she stated that she was agreeable to the mode of distribution as per the confirmation of grant dated 20/05/2015.

Respondent's case.

The respondent filed a replying affidavit on 14/07/2015 stating that the petitioners had no powers to dispose of the property of the deceased and the same was illegal. That his father had 3 pharmaceutical shops within Kirinyaga trading as Wangatia Health Services which were taken over by his uncle John Gitau and which he operates to date. He denied the allegation that some of the estate was disposed off to take care of debts and his education and states that his mother took up the role of education him. That if there were any debts of the deceased they ought to have been disclosed in the P& A 5 form.

14. That most school holidays, he spent with his father and never met the 3rd appellant and she only came to light after he filed his protest. That it is only fair and just that she shows proof that she is a child of the deceased in which case he shall not object to her sharing the estate.

15. He confirmed the 1st and 2nd appellants were dependants of the deceased but he states that they benefitted from the deceased's life policy, proceeds from sale of KAP 873Q and savings in various bank accounts. Therefore, as the only child of the deceased, he is entitled to benefit from the remaining estate of the deceased.

Judgment

The Court held that the 3rd appellant did not convince her of the relation with the deceased. Her birth certificate never acknowledges the deceased as the father and in regard to the Chief's letter she was not convinced the author knew the deceased or his children. On the issue of minutes discussing pregnancy, she found it impossible for the elders to discuss the pregnancy or impregnation when she was almost 9 months old. That if the meeting was held it would have been over child maintenance and not compensation of pregnancy. In addition, the culprit is identified as son of Wakiambi while deceased had 7 brothers. Furthermore, the petitioners had not included her as beneficiary while they claim to have raised her after deceased's death.

16. In addition, the court held that the petitioners have not indicated the manner in which they depended on the deceased since the 1st petitioner conducted farming business while the 2nd petitioner was businesswoman as per memorandum of association of chemist business. However, she took general African understanding of parent /children relation and responsibilities but the petitioners had other adult children who have taken up the said responsibilities.

17. That Dickson Maina is not entitled to the estate since he is not an innocent purchaser and executed further transaction despite protest being filed.

18. The Court proceeded to distribute the estate as listed above.

19. The counsel for the appellant submits that the 3rd appellant was disinherited although there was evidence that she was a child of the deceased. That the mother to 3rd appellant adduced evidence that the 3rd appellant was sired by the deceased in 1991 when she was his boyfriend. The 3rd appellant's mother

testified as PW4, Janet Wanjira. She testified that the deceased assisted her to raise the 3rd appellant. The 3rd appellant contends that the respondent did not attend court during the hearing and so the evidence of PW-4- Janet Wanjira was not challenged. That the court went ahead to raise extraneous issues which were not put before her for determination.

20. It is further submitted that the 3rd appellant produced evidence to prove that she was the deceased's child as she produced the Chief's letter. That the trial Magistrate had no basis for disregarding the Chief's letter and she failed to take judicial notice that when the petition was filed devolution had not taken place as the Constitution had not been promulgated. The trial Magistrate failed to address her mind to the new administrative boundaries. There was no evidence to contradict the Chief's letter indicated the name of the new location after the Constitution was promulgated. That the trial Magistrate had no basis to say that the Chief did not know the deceased or his children as there was no evidence presented to her and the respondent did not challenge the Chief's letter.

21. It is further submitted that the 3rd appellant produced a pregnancy compensation agreement signed by the deceased and her mother and the trial Magistrate had no basis to reject it. She failed to address her mind to Kikuyu customs of pregnancy compensation and she did not cite any law to say that pregnancy compensation cannot be discussed after the child is born. That the trial Magistrate failed to appreciate that the said meeting was an admission that the deceased was the biological father. That the document was not contradicted and 3rd appellant was not cross-examined on the document. It is submitted that the trial Magistrate erred in disinheriting the 3rd appellant.

22. The counsel for the appellants argued grounds 4,5&6 together. She submits that the 1st & 2nd Appellant depended on the deceased for all their needs. That the trial Magistrate had found that the life Insurance Policy of the deceased was paid to the 1st & 2nd appellants as deceased's dependants and next of kin. That the deceased had recognized his parents as his dependants who he wished that they be provided for even after his death. She relies on High Court Nairobi **Succession Cause No. 2645/2003 Estate of Kellington Mwanzia Musyoka.**

23. It is submitted that the trial Magistrate having found that the 1st & 2nd appellants were dependants, she erred by disinheriting them just because there was a child. The appellant submits that the trial Magistrate contradicted herself by concluding that the 1st & 2nd appellants were not dependants but finally giving a share to the 2nd appellant and leaving out the 1st appellant. It is submitted that the Judgment was erroneous and was not fair. That the weight of the evidence showed that 1st and 2nd appellants who were the parents of the deceased were dependants who were entitled to a share of his estate.

24. The appellant argued ground 7 & 10 together and submits that the trial Magistrate erred by stating that the 1st and 2nd appellants had other children who could have taken over and provide for them when that holding was not supported by evidence. That the court considered an extraneous issue which was not based on the law of succession Act and made an erroneous Judgment which disinherited the appellants.

25. On grounds 8, 9, 11 & 12 which were argued together it is submitted that the respondent filed a replying affidavit and did not testify. He failed to attend court even after being served. He did not give evidence which was subjected to cross-examination. She relies on High Court Meru **Succession Cause No. 43/2003 in the Estate of Mikiara M'itonga alias Kiaira.**

26. It is further submitted that the trial Magistrate erred by ordering that funds in Barclays Bank Embu be used to settle costs of the succession when the issue of costs was not for determination. The order was blind as the court was not aware that the account had fund and if it was sufficient to settle the costs. That the court did not direct on how the liabilities of the estate would be met. They submit that the judgment was illegal and wrong and ought to be quashed. That the grant be confirmed as per the summons for confirmation of grant dated 20/5/17.

27. I have considered the proceedings and the Judgment of the trial Magistrate and the submissions. The respondent did not file submissions and this is not surprising as the record of the Lower court shows that he did not attend court during the hearing despite having been served. Though the trial Magistrate took it upon herself to explain his absence see ----- ***“the truth is that he was properly served through Advocate on record.”*** A party who is represented by an Advocate in court proceedings is deemed to be properly served through the Advocate on record. A party who is represented by an Advocate in court proceedings is deemed to be properly served where the court is shown evidence of service through an Affidavit of Service and no explanation is offered by his Advocate for his failure to attend. It is a grave error for a Magistrate to take it upon himself/herself to explain a party’s absence and even conclude that the party was not informed by his Advocate when it is not based on any evidence. It amounts to a trial Judge descending into the arena of conflict to openly defend the short comings by an adverse party without an iota of evidence. This will inevitably raise allegations of bias. This is what the Magistrate stated:-

“though I am convinced the firm of H. K. Ngugi were duly served. I am not convinced the 2nd protestor intentionally failed to attend court Page 232 of Line 10 ---- 15 there is a strong possibility of him being unaware of the court hearing.”

28. From the record of the trial court it is clear that the 2nd protestor never attended court not even once. Though his Advocate used to attend. He was represented in court when directions were given that the protest shall be heard by way of viva voce evidence.

29. The none attendance has been replicated in this court as the 2nd protestor did not file written submissions as directed by this court to oppose the appeal. The 2nd protestors failure to attend court in the lower court and to file submissions is a mark of disinterest. The trial Magistrate never saw the 2nd protestor even once in court to confirm his existence and to satisfy herself that he is the one who swore affidavit of protest. The Law of Succession Act requires that the court satisfies itself as to the respective identities of and shares of all persons beneficiary entitled to the estate. See Section 71(2) the proviso thereof which states:-

“Subject to subsection (2A), the court to which application is made, or to which any dispute in respect thereof is referred, may

(a) if it is satisfied that the grant was rightly made to the applicant, and that he is administering, and will administer, the estate according to law, confirm the grant; or

(b) if it is not so satisfied, issue to some other person or persons, in accordance with the provisions of sections 56 to 66 inclusive, a confirmed grant of letters of administration in respect of the estate, or so much thereof as may be unadministered; or

(c) order the applicant to deliver or transfer to the holder of a confirmed grant from any other court all assets of the estate then in his hands or under his control; or

(d) postpone confirmation of the grant for such period or periods, pending issue of further citations or otherwise, as may seem necessary in all the circumstances of the case:

Provided that, in cases of intestacy, the grant of letters of administration shall not be confirmed until the court is satisfied as to the respective identities and shares of all persons beneficially entitled; and when confirmed the grant shall specify all such persons and their respective shares.”

30. The trial Magistrate erred by failing to satisfy herself as to the identity of the respondent and moreso whether he is the one who swore the affidavit of protest. He never appeared before the trial Magistrate even once.

31. As submitted the affidavit of the respondent was not put through the revacity of cross-examination. The affidavit could not have been given much weight as the court had directed that parties give oral evidence. The evidence of the petitioners was not challenged. The protest by the respondent ought to have been dismissed as it was not prosecuted.

32. The issue for determination is whether the appellants were dependants of the deceased who were entitled to a share of his estate. The 1st & 2nd appellants were the biological parents of the deceased. **Section 29 of the Law of Succession Act (Cap 160)** to be referred to as '**the Act**' provides:-

“For the purpose of this part, dependant means:

(a) the wife or wives, or former wife or wives, and the children of the deceased whether or not maintained by the deceased immediately prior to his death;

(b) such of the deceased’s parents, step-parents, grand-parents, grandchildren, step-children, children whom the deceased had taken into his family as his own, brothers and sisters, and half-brothers and half-sisters, as were being maintained by the deceased immediately prior to his death; and

(c) Where the deceased was a woman, her husband if he was being maintained by her immediately prior to the date of her death.”

Under the Section wives and children have priority in the estate of the deceased. The dependants defined under **Section 29(b)** are required to prove that they were being maintained by the deceased prior to his death.

33. The trial Magistrate found that ‘the deceased appears to have considered his dependants and secured their future with ICEA policy covers’ see page 247 of the record line 16-17. At Page 250 the trial Magistrate stated as follows: **“From the above, Mwangi, Wangamwa and 2nd protestor are confirmed dependants of the deceased.”** There is therefore no dispute from the finding of the trial Magistrate that the 1st & 2nd appellant were dependants. That was in a ruling dated 7/7/2017.

34. In her Judgment which was stated to be further to the ruling delivered 7/7/2017 Page 264 line ----- the trial Magistrate stated that the petitioners were not dependants of the deceased. No further evidence was adduced before the trial Magistrate after the ruling of 7/7/2017. The finding that the parents were not dependants was based on extraneous matters and not on any evidence. The findings were contradictory. There was enough evidence tendered before the trial Magistrate to prove that the 1st & 2nd appellants were dependants of the deceased. The 1st appellant adduced evidence at Page 219-220 of the record of Appeal and stated that himself and 2nd appellant depended on the deceased for all their needs. At the time he gave evidence he was 82 years old and the 2nd appellant was 65 years old. The trial Magistrate had no basis to doubt that they were dependants of the deceased. The deceased had taken out a life policy with ICEA Limited for the benefit of the 1st & 2nd Appellants as the named dependants and next of kin. The trial Magistrate erred by declaring that they were not dependants.

35. Even considering the circumstances of this case where the deceased was not married, he seems to have entrusted all his wealth with the 1st and 2nd appellant who produced a full inventory of his assets. They also settled all his debts, a fact which the trial Magistrate acknowledged – see Page 263, line 15-16 of the record. Finally, the trial Magistrate did not make an order confirming the grant or revoking it. The 1st and 2nd appellants remained the administrators and administratrix.

36. I find that the trial Magistrate erred by failing to find that the 1st & 2nd appellants were dependants of the deceased who were entitled to a share of his net estate. The decision was against the weight of the evidence. The trial Magistrate contradicted herself by saying they were dependants and at the same time that they were not dependants. In the **Estate of Wellington Mwanzia Musyoka Nairobi Succession**

Cause No. 2645/02 it was held that parents are dependants as defined under **Section 29 of the Act**. The 1st & 2nd appellants are dependants as defined under **Section 29 of the Act** and the trial Magistrate ought to have made provision for them. Indeed the trial Magistrate made provision for the 2nd appellant and there was no justification for not making provision for the 1st appellant.

37. As regards the 3rd appellant Lucy Waithera Wanjiru there was undisputed evidence that she was a daughter of the deceased. She produced a Chief's letter showing that the 3rd appellant was sired by the deceased. The mother of 3rd appellant also adduced evidence as witness No.4 and stated that 3rd appellant was a child of the deceased who was her boyfriend. She further adduced evidence that the deceased used to support her in raising the child. The 3rd appellant also produced proceedings for pregnancy compensation signed by both parents of the deceased and 3rd appellants. Though the trial Magistrate stated that she could not understand how "**pregnancy or impregnation**" (*sic*) when the 3rd appellant was almost three months old, the documents show the agreement was over pregnancy compensation. The book by Eugene Cotran on **Re Statement of Kikuyu Customary Law** states that compensation is paid where a man impregnates a girl and fails to marry her. It could therefore be discussed after the child was born. The child born out of wedlock under Kikuyu Customary Law is maintained by the father of the girl after pregnancy compensation is paid. The trial Magistrate erred by failing to appreciate the kikuyu customs concerning pregnancy compensation.

38. The agreement was prove that the 3rd appellant was the child of the deceased.

39. There was enough evidence before the trial Magistrate to prove that the 3rd appellant was a child of the deceased. At page 250 the trial Magistrate stated that she was entitled in her own rights to inherit the deceased's property. On the same page she turns around and states that she has not convinced her that she is a child of the deceased.

40. I find that the 3rd appellant proved that she was a child of the deceased. She was therefore a dependant as provided under **Section 29(a) of the Act** which I have quoted above.

Section 26 of the Act provides:-

"Where a person dies after the commencement of this Act, and so far as succession to his property is governed by the provisions of this Act, then on the application by or on behalf of a dependant, the court may, if it is of the opinion that the disposition of the deceased's estate effected by his will, or by gift in contemplation of death, or the law relating to intestacy, or the combination of the will, gift and law, is not such as to make reasonable provision for that dependant, order that such reasonable provision as the court thinks fit shall be made for that dependant out of the deceased's net estate."

41. The Section gives court discretion to make provision for dependants from the net estate of the deceased. The trial Magistrate erred by failing to make provision for the 3rd appellant. The circumstances of this case show that the children, that is 3rd appellant and the respondents were children of deceased who he was supporting during his lifetime and were therefore his dependants. The Act gives court discretion to determine the share to be given to the dependants. **Section 27 of the Act** provides:-

"In making provision for a dependant the court shall have complete discretion to order a specific share of the estate to be given to the dependant, or to make such other provision for him by way of periodical payments or a lump sum, and to impose such conditions, as it thinks fit."

42. At **Section 28 the Act** gives the circumstances to be taken into account when making the order. In view of the foregoing, I should make provision for the appellants. The estate of the deceased comprised of the following properties:-

- 3000 SHARES OF KENGEN CO.LTD.

- **3000 SHARES OF KENYA COMMERCIAL BANK LTD.**
- **LAND PARCEL NO. KABARE/MUKARARA/628 MEASURING 0.4 HA.**
- **KIINE/SAGANA/2688 MEASURING 0.3HA.**
- **KIINE/RUKANGA/1808.**
- **KIINE/RUKANGA/1812.**
- **PLOT NO. 216A KUTUS.**

43. The trial Magistrate distributed Accounts No. 8222272 Barclays Bank in the name of Juhundi Pharmacy. There was no evidence that it belonged to the deceased. As for Account No. 2123217, it had no funds as at 29/12/06.

44. In his supporting affidavit sworn on 30/1/2015, the 1st appellant deposed that he had entered a sale agreement with Dickson Maina for the sale of two properties of the deceased namely Kiine/Rukanga/1812 and Kiine/Rukanga/1808 to raise money to settle debts of the deceased as well as pay school fees for his children. The 1st appellant pleaded that the properties be distributed to him so that he can transfer them to the purchaser. The trial Magistrate found that the 1st appellant had indeed settled debts of the estate amounting to Kshs 1,052,151/-. He was also supposed to settle a claim which was raised by a protestor who had a decree against the estate which had not been settled.

45. The appellants had filed an application for confirmation of grant. They had proposed to include Dickson Maina who was a purchaser. He is not a dependant . He is therefore not entitled to the estate of the deceased. He is not protected under **Section 93 of the Act. Section 93(1) of the Act** provides:-

“(1) A transfer of any interest in immovable or movable property made to a purchaser either before or after the commencement of this Act by a person to whom representation has been granted shall be valid, notwithstanding any subsequent revocation or variation of the grant either before or after the commencement of this Act.”

The Acts prohibits the transfer of immovable property before the confirmation of grant. See **Section 82 (ii) of the Act** which provides:-

“no immovable property shall be sold before confirmation of the grant;”

46. There can be no basis of including a purchaser of immovable property before confirmation of grant as a beneficiary. The distribution of the estate can only be made to the beneficiaries entitled to the estate.

47. Since the protest by the respondent was not prosecuted, the trial Magistrate had no reason not to allow the distribution proposed by the appellants. For the reasons stated I find the trial Magistrate ought to have dismissed the protest by the respondent and proceed to confirm the grant as proposed by the appellants safe that Dickson Maina could not be included as a beneficiary. I will therefore interfere with the Judgment of the trial Magistrate.

48. The certificate of grant which was issued was erroneous as the trial Magistrate did not appoint Martin Macharia Maina as an administrator. In the circumstances I order as follows:-

- 1) The appeal is allowed.
- 2) The judgment of the trial Magistrate is set aside.
- 3) The affidavit of protest by the respondent is dismissed.

4) The 1st and 2nd appellant are the administrators of the estate of the deceased.

5) The estate of the deceased shall be distributed as follows:-

a) **Shares of Kengen Co. Ltd:-**

- Lucy Waithira Wanjiru – 1000.

- Martin Macharia Maina – 1000.

- Elias Mwangi Kiambi - 1000.

b) **Shares with Kenya Commercial Bank:-**

- Lucy Waithira Wanjiru - 1500

- Martin Macharia Maina – 1500.

c) **Kabare/Mukarara/628 measuring 0.40 Ha.**

- Martin Macharia Maina.

d) **Kiine/Sagana/2688 measuring 0.3 Ha.**

- Lucy Waithera Wanjiru.

e) **Kiine/Rukanga/1808 & Kiine/Rukanga/1812**

- Elias Mwangi Kiambi.

f) **Plot No. 216A Kutus.**

- Margaret Wangamwa Mwangi.

g) **Gold Fish Account No. [...].**

- Lucy Waithira Wanjiru

- Martin Macharia Maina

- Elias Mwangi Kiambi

- Margaret Wangamwa Mwangi

To share the funds equally.

i) The grant be confirmed and a certificate be issued.

Dated at Kerugoya this 29th Day of May 2020.

L. W. GITARI

JUDGE