

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERUGOYA

SUCCESSION CAUSE NO. 421 OF 2014

IN THE MATTER OF THE ESTATE OF KATHIRI NJOKA ALIAS KITHIRI NJOKA.....(DECEASED)

PERIS WANGECHI KITHIRI.....RESPONDENT

V E R S U S

PETER MURIUKI KITHIRI.....APPLICANT

RULING

1. I have considered the application. I have also considered the replying affidavit sworn by the respondent Peris Wangechi Kithiri. I find that the respondent has no good cause for refusing to sign documents to facilitate the transfer of land parcel No. Mutira/Kanyei/2272 and Mutira/Kanyei/2270 to the applicant. The claim by the respondent is unreasonable as the grant has been executed partially. The respondent has admitted that she refused to transfer as she is demanding survey fees and return of beacons. She has not stated the amount of the fees she is claiming from the applicant and the court had not made an order for pay of the survey fees. The refusal by the respondent to sign has no basis. She has not approached the court with an application on the matters she has raised. Court orders are not made in vain. The grant issued by the court should be executed to its finality and not partially or in bits.

2. I find that the respondent has not shown any good reason why the application should not be allowed.

3. I order that the application dated 7/5/20 is allowed as prayed.

Dated at Kerugoya this 29th day of May 2020.

L. W. GITARI

JUDGE