



REPUBLIC OF KENYA

IN THE HIGH COURT AT EMBU

CIVIL APPEAL NO. 34 OF 2016

SAMUEL KABUTHIA NDAWA.....PPELLANT

VERSUS

JENNIFER WAWERA NJERU

CECILIA MUTHONI NJERU.....RESPONDENTS

RULING

This is a ruling on application dated 30th September 2019 brought under Order 27 Rule 10, Order 32 Rule 61 and Order 51 Rule 1 of the Civil Procedure Act as well as other provisions of the law.

The application seeks for distribution of the net decretal amount in this appeal of Shs.942,827/= pursuant to the court's judgement delivered on 10th July, 2019 as under:-

1. **THAT** this Honourable court be pleased to distribute the net decretal sum of Kshs.942,827 between the beneficiaries of the estate of the late Edward Chege Mwangi as follows:-

- a) Jennifer Wawira Njeru(Widow) 37 years old Kshs.300,000
- b) John Mwangi(son) 22 years old Kshs.150,000
- c) Florence Wanjiku (daughter) 18 years old Kshs.150,000
- d) AM (son) 11 years old Kshs.300,000

Total Kshs.942,827

2. **THAT** the monies payable to the minor AM be invested in an interest bearing fixed deposit account at Co-operative Bank of Kenya Ltd., Embu Branch in the joint names of both applicants herein until he attains the age of majority

This application being ex-parte in nature was not opposed by the respondent. Upon being served, G.N. Mugo & Company for the respondent sent an email to the effect that they were not opposed to the application.

I have looked at the relevant provisions of the law and noted the contents of this court's judgement in this appeal.

There being no objection, I hereby allow the application dated 30th September, 2020 in terms of prayers 1 and 2.

Costs in the cause.

DELIVERED, DATED and SIGNED at EMBU this 17TH day of NOVEMBER, 2020.

F. MUCHEMI

JUDGE