



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 320 OF 2015

IN THE MATTER OF ESTATE OF JULIA KAIMURI Alias JULIAH KAIMURA (DECEASED)

JAMES KINYUA M'THURANIRA.....PETITIONER

HELLEN KAGENDO.....PETITIONER

VS

ALICE KIBURIO MUTEGLI.....OBJECTOR

DORIS GACHERI THURANIRA.....OBJECTOR

RULING

Application dated 23rd August 2018 sought that the court orders that issue as to whether Jeniffer Mutoro benefit inter vivos be determined by parties giving oral evidence and that the court identifies the children to whom shares were to be held in trust.

From the evidence of Salome wanja and Mary Kiome, this court finds that there is nothing to prove that Jeniffer Mutoro was given land by the deceased. Both say that land in Ruri –Rwarera was given to Lawrence Gitonga the husband of Jeniffer Mutoro. There is nothing to show he was given On account of Jeniffer. The particulars of the land are not given and this court cannot make orders in a vacuum.

Concerning the identities of the beneficiaries to whom land is to be held in trust, this court orders as follows:-

1. LR. Kiirua/Naari – Maitei/651 will go to Alice Kiburio in whole
2. LR Kiirua/Naari-Maitei/648 1.33 acres to go to children of the late Susan Mukonjiri to share equally namely:-
 - James Kinyua
 - Purity Kananu
 - Joyce Kagendo
 - Rose Ntibi
 - Balance to go to Doris Makena alias Doris Gacheri.
3. K.R. No. Kiirua/Naari-Maitei/650 1.33 acres to go to the children of the late Loice Ntibi to share equally namely:-
 - Hellen Kagendo
 - Hilda Kaimuri
 - Lilian Karuthi
 - Balance to go to Doris Makena alias Gaceri

There shall be no orders as to costs.

HON. A.ONG'INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED IN COURT ON 26TH FEBRUARY 2019.

In the presence of:

C/A:

Petitioner:- Mr Kithinji holding brief Ntarangwi for Petitioner

Protesters:-Mr Ngugi holding brief for Mutuma for protesters

HON. A.ONG'INJO

JUDGE

Mr Kithinji

We pray for a copy of the ruling

Order: copy of ruling to be supplied upon payment of copying charges.

HON. A.ONG'INJO

JUDGE