

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 294 OF 2012

IN THE MATTER OF THE ESTATE OF HENRY M'BAGINE M'ITHIKA ALIAS BAGINE NTAKA (DECEASED)

SUSAN NKATHACO- ADMINISTRATIX/APPLICANT

CHARLES MUTUACO-ADMINISTRATOR

-VS-

JUSTUS GITUMA1ST PROTESTOR/CO-ADMINISTRATOR

BARTHOLOMEW M. MBOGORI2ND PROTESTOR

JAMES MWICHUIRI3RD PROTESTOR

R U L I N G

1. After having perused the judgment, I agree that the District Surveyor should have also demarcated the portions being utilized by Charles Mutua and Susan Nkatha respectively. This is so because, Susan Nkatha had already received a sum of kshs. 350,000/= as compensation for a portion of her property that had been compulsorily acquired.

2. According, I direct the District Surveyor to once again visit LR. Ntima/Ntakira/537 and pick up the measurements of the area under use by Charles Mutua and Susan Nkatha .

Mention on 01/10/2019 for final orders.

A. MABEYA

JUDGE

28/06/2019