



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HC. P&A NO. 267 OF 2017

FORMERLY MACHAKOS SUCCESSION CAUSE NO. 423 OF 2015

IN THE MATTER OF THE ESTATE OF FRANK JOSEPH MUTUNE KWINGA alias FRANK J.M. KWINGA Alias FRANK K. MUTUNE Alias FRANK J. MUTUNE Alias F.J.M KWINGA Alias JOSEPH FRANCIS MUTUNE (DECEASED)

ESTHER NGUNYA.....PETITIONER

RULING

1. From the confirmed grant issued by this court on 24th September, 2019:

i. Makueni/Unoa/208 is to be inherited equally by:

- i. Esther Ngunya Kwinga
- ii. Jane Kavila Mutune Kwinga
- iii. Nancy Waeni Mutune Kwinga
- iv. Michael Wambua Mutune Kwinga
- v. John Kavila Mutune Kwinga

ii. Makueni/Kako/541 goes to: -

- (i) Esther Ngunya Kwinga
- (ii) Jane Ndaisi Kwinga
- (iii) John Kavila Mutune Kwinga
- (iv) Michael Wambua Mutune Kwinga

In equal shares.

iii. Makueni/Kako/831 goes to: -

- (i) Jane Ndaisi Kwinga
- (ii) Nancy Waeni Mutune Kwinga

In equal shares.

2. The application dated 23/09/2019, grounds and supporting affidavit show that an error occurred during the transmission to the various beneficiaries at the Lands Registry Makueni. As

a result, the three parcels of land were erroneously registered in the sole names of Esther Ngunya Kwinga (GG1a – 1c) the administrator. Title deeds were also issued.

3. I am satisfied that this was an error which must be rectified. As a result, I issue the following orders: -

(i) Title deeds issued in the names of Esther Ngunya Kwinga in respect to parcels No. Makueni/Unoa/208; Makueni/Kako/541 and Makueni/Kako/831 are hereby revoked. The same to be returned to the Land Registrar Makueni.

4. Fresh title deeds in respect to the said parcels of land be issued according to the amended certificate of confirmation of a grant issued by this court on 24th September, 2019

Delivered, Signed and Dated this 29th Day of October, 2019 in Open Court at Makueni.

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H. I Ong'udi

Judge

Read out to the parties in open court in the presence of: -