



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**SUCCESSION CAUSE NO. 3079 OF 2002**

**IN THE MATTER OF THE ESTATE OF JOSEPH GICHUKI RIUNGE (DECEASED)**

**THERESA WANJIRO RIUNGE.....1<sup>ST</sup> APPLICANT**

**JOSEPHINE NJERI RIUNGE.....2<sup>ND</sup> APPLICANT**

**VERSUS**

**FRANCIS KIMANI GICHUKI.....1<sup>ST</sup> RESPONDENT**

**DAVID MUNIU RIUNGE.....2<sup>ND</sup> RESPONDENT**

**FRANCIS MBURU RIUNGE.....3<sup>RD</sup> RESPONDENT**

**RULING**

1. The deceased Joseph Gichuki Riunge left two widows. Each widow had four children. The widows died subsequently. A grant of letters of administration intestate was issued to Francis Kimani Gichuki (1<sup>st</sup> respondent) and David Muniu Riunge (2<sup>nd</sup> respondent). There was a dispute regarding the distribution of the estate. Justice W. Musyoka heard the parties. On 9<sup>th</sup> July 2018 a decision was rendered distributing the estate. The land, properties and the money in the fixed deposits in the bank were to be each equally shared amongst the beneficiaries. The shares in the various companies were to be sold and the proceeds shared equally.

2. The 1<sup>st</sup> and 2<sup>nd</sup> respondents appealed the decision to the Court of Appeal. So far there is no stay.

3. The applicants Theresia Wanjiro Riunge and Josephine Njeri Riunge are beneficiaries of the estate of the deceased. Their case is that the respondents (including 3<sup>rd</sup> respondent Francis Mburu Riunge) have refused to distribute the estate as directed in the certificate of confirmation. In particular, the applicants are interested in Limuru/Bibirioni/246 which they want shared. They state that they prepared the respective transmission forms (RL 7 and RL 19) which they signed. The respondents were uncooperative. They did not sign or produce their KRA PIN, ID copies and passport photos to enable subdivision and transfer. It was also pleaded that the rest of the estate had not been shared owing to reluctance on the part of the respondents.

4. The respondents' case was that the applicants are interested in only themselves when the entire estate was to be shared equally to all the beneficiaries. The respondents want the entire estate shared to all the beneficiaries as ordered, and not one property only to the applicants.

5. There is no indication why, since the grant was confirmed, the respondents have not distributed the estate, or even begun the process. It is because of the delay in the distribution that has caused anxiety on the part of the applicants. The complaint that the estate has not been shared since confirmation is a legitimate one.

6. I bear in mind that it is the responsibility of the administrators to distribute the estate to the beneficiaries once the grant issued to them has been confirmed, and the respective shares of the beneficiaries have been ascertained. Consequently, I allow the application. The 1<sup>st</sup> and 2<sup>nd</sup> respondents (who are the administrators of the estate of the deceased) are hereby given 60 days to distribute the estate to the beneficiaries in accordance with the certificate of confirmation, failing which the Deputy Registrar of this court is empowered to effect the distribution on their behalf.

7. I make no orders as to costs.

**DATED AND DELIVERED AT NAIROBI THIS 27TH NOVEMBER 2019.**

**A.O. MUCHELULE**

**JUDGE**