



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 518 OF 2014

IN THE MATTER OF THE ESTATE OF ARIMBA ARITHAA (DECEASED)

JENNIFER MUGITO KARIMBA.....PETITIONER/RESPONDENT

-Versus-

PILISCILA KIENDE MWITI.....APPLICANT

-And-

JAMES MBAABU M' ITONGA.....TRANSFEREE/RESPONDENT

PARTIAL RULING.

Call for better particulars

[1] It has been rightly stated that the primary duty of probate and administration court is to distribute the estate of the deceased. And to achieve that end, the law has given the court wide discretion in order to do justice in the distribution of the estate to the rightful beneficiaries. Upon thoughtful consideration of the application dated 19th January 2017, two matters are startling. One, the Petitioner's averments that the Applicant and her deceased husband lived on a separate piece of land situate at Rukura and that the Applicant lived on that land. Two, the Applicant's averments that the third party herein demolished her house, evicted her and her children from the suit land. These are contra each other and will require careful evaluation by the court. To enable the court do this, I direct that:

- a) The EO shall visit the suit land as well as the land at Rukura and establish the truth or otherwise of any of the averments above. A report thereto shall be filed within 45 days of today.*
- b) Parties shall, within 21 days, provide full details of the land at Rukura.*
- c) Upon receipt of the report and details in (a) and (b) respectively, the court shall render its decision on the application dated 19th January, 2017. It is so ordered.*

Dated, signed and delivered in open court at Meru this 31st day of January, 2018

F. GIKONYO

JUDGE

In the presence of:

Mwenda for applicant

M/s. Nyaga for respondent

F. GIKONYO

JUDGE