



**REPUBLIC OF KENYA**

**IN THE HIGH COURT KENYA AT MERU**

**SUCCESSION CAUSE NO. 508 OF 2009**

**IN THE MATTER OF THE ESTATE OF THE LATE EDWARD M M'ARIMBA M'INOTI alias  
ARIMBA INOTI alias M'ARIMBA M'INOTI - DECEASED**

**CATHERINE KAIMURI KARIMBA .....PETITIONER**

**VS**

**BEATRICE MUCECE.....OBJECTOR**

**RULING**

The deceased Edward and Arimba Inoti alias M' Arimba M' Inoti died on 7<sup>th</sup> January 1991 aged 60 years and was survived by 3 widows and 6 sons, 3 sons having died before him. He was also survived with/by 5 daughters.

According to information in form P&A5 the deceased had assets as follows:-

- a. Kenya Commercial Bank Savings Account No. xxxxx
- b. L.R. Abogeta/Lower Kiingne 5/4/63- measuring 0.0149 acres
- c. L.R No. Abogeta/Lower Kithangari/221 – 3.28 Ha
- d. L.R. No Abogeta/Lower Kithangari/199 – 0.43 Ha
- e. L.R. Abogeta/Mkachie/666 – 4.05 Ha.
- f. Shares with Meru Central Farmers Coop. Society – 6 shares
- g. KCB – 100 shares
- h. GEMA Holdings Ltd – 12 shares
- i. Abogeta Farmers Co-op. Society Ltd – 23 shares
- j. Meru Ranching Co-op. Society Ltd – 5 shares.
- k. Plot NO. 15A – Kanyakine Market – County Council of Meru
- l. Shares with South Imenti Development Ltd.

Catherine Kaimuri M'Inoti Petitioned for Letters of Administration which was made to her as 29<sup>th</sup> January 2014.

However, when application for confirmation dated 7<sup>th</sup> October 2014 was filed together with supporting affidavit of Catherine Kaimuri M'Inoti sworn on 7<sup>th</sup> October 2014 and consents to confirmation and distribution, Beatrice Mucece, the objector herein also filed affidavit of proposed distribution filed on 20<sup>th</sup> December 2015.

She averred that L.R. No. Ngobit/Supoko Block 5/86 is registered in her name and does not form part and parcel of the deceased estate. The title deed for L.R. Ngobit/Supoko Block 5/86 was attached to objectors affidavit sworn on 26<sup>th</sup> August 2015 showing it was issued on 3<sup>rd</sup> day of March 2005 as the same day Objector was registered as proprietor.

Catherine Kaimuri in her affidavit in response to objectors objection sworn on 26<sup>th</sup> August 2015 said that the objector had also transferred parcel No. Abogeta/L. Kithangari/263 to herself and yet it belonged to the deceased. A certificate of search to that effect was attached.

According to Catherine Kaimuri, L.R. Ngobit/Subuko Block 5/86 was bought using shares in South Imenti Investment Co. Ltd. The Petitioner also filed submissions in which counsel send that the objector fraudulently transferred parcel of land

No. Ngobit/Subukia – Block 5/86 and L. R. Abogeta/ L- Kithangari/ 263 to her name when the 2 parcels belonged to the deceased.

In consideration that the deceased died on 7<sup>th</sup> January 1991 and L.R. Ngobit/Subuko Block 5/86 was registered on 3<sup>rd</sup> March 2005 and L.R. Abogeta/L. Kithangari/263 was registered in the objectors name on 4<sup>th</sup> October 1995 it will be important to interrogate the history of the 2 parcels to establish whether they belonged to the deceased or not before coming up with a final judgement as to whether or not registration in the name of the objector was fraudulent or not in the circumstances DR to establish the status from appropriate land Registrars.

Mention 19.2.2018.

**Ruling Signed, Delivered and Dated 17<sup>th</sup> Day of January 2018.**

**HON. A.ONG'INJO**

**JUDGE**

In the presence of:

**HON. A.ONG'INJO**

**JUDGE**