



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 7 OF 2017

IN THE MATTER OF THE ESTATE OF BENSON MURIUNGI (DECEASED)

ZIPPORAH MUKAMI.....1ST PETITIONER

-VS-

EVANGILINE NGUGI.....2ND PETITIONER

RULING

1. This matter is taking a rather curious angle. While the court did appoint the two widows of the deceased on 7th February, 2018 in order to reduce the tension between them and sort out the estate, with dispatch, the family seems to tear apart the more.

2. Under **Articles 159 of the Constitution of Kenya** and **section 47 of the Law of Succession Act** in order to expedite this matter and sort out the dispute once and for all; I make the following directions:-

- (a) I appoint Ni-Light Consultants of telephone No. **[Particulars Withheld]** from the list supplied by the Deputy Registrar to value all the assets set out on Form No. P & A 5 Paragraph 6 except 6 (i) and (j) and file the report within 21 days of today.
- (b) Both the petitioners, without exception do co-operate and assist the valuer in the carrying out of the said valuation.
- (c) Leave is granted for the filing of the application for confirmation before the expiry of 6 months.
- (d) The 1st petitioner to file and serve the application for confirmation within 14 days of today.
- (e) The 2nd petitioner to file and serve her protest within 7 days of service.
- (f) Since there is a dispute as to whether the vehicles known as KBC 227G, KBV 423K and KAX 501R belong to the estate or not, that matter is to be decided in the said protest.
- (g) In order to preserve the said vehicles, and on the undertaking of the 1st petitioner to fully indemnify the 2nd petitioner for any loss that might be suffered by the 2nd petitioner in the event it is finally found that the vehicles belong to the 2nd petitioner, the said vehicles to be surrendered to a neutral place to be agreed by the parties within 3 days for safe custody at the expense of the estate if it is finally established to belong to the estate.
- (h) The undertaking by the first petitioner to be executed, filed in court and served within 3 days of the making of this order.
- (i) Mention on 20th March, 2018 for directions on the protest if any.
- (j) Liberty to apply.
- (k) The costs of the valuer to be in the estate.

Orders accordingly.

DATED and DELIVERED at Meru this 21st day of February, 2018.

A. MABEYA

JUDGE