



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 281 OF 2007**

**IN THE MATTER OF ESTATE OF JAMES GUANTAI M'MUGAMBI (DECEASED)**

**CATHERINE GAKII THAARA.....PETITIONER**

**VS**

**DOREEN NDUMBA GUANTAI.....OBJECTOR**

**RULING**

The deceased James Guantai M'Mugambi died intestate and from the letter dated 17<sup>th</sup> July 2007 he was survived by 2 widows Catherine Gakii the Petitioner herein and the Protester Doreen Nduba Guantai. He was also survived by 6 children namely:-

1. Gatwiri Guantai
2. Sofia Kanana
3. Milly Hadi
4. Weddy Nkirote
5. Ridah Muthoni
6. Julia Guantai.

The net intestate estate is made up of parcel no. L.R. Abothuguchi/Katheri/3049 measuring measuring 0.60 ha. Catherine Gakii sought for confirmation of grant made to her on 3<sup>rd</sup> July 2008 but Doreen Ndumba Guantai objected and claimed that Catherine Gakii and the deceased had separate as husband and wife and she only returned to bury the deceased and that she was not entitled to a share of the estate and that she wanted to sell what she is claiming to 3<sup>rd</sup> parties.

From the evidence of the protester/Objector is well as objector/protester witness no. 2 the deceased had 2 wives and each had 2 children. There was also a child born out of wedlock Gatwiri Guantai. Although it is alleged that the petitioner left the deceased in 1992 the protester and her witness didn't present this court with any divorce proceedings and/or certificate of divorce between the deceased and the petitioner to disentitle her from claiming from the estate of the deceased. The deceased not having taken steps to legally sever his relationship with the petitioner, no one else has capacity to say she was no longer his wife.

In the circumstances both Catherine Gakii Thaara and Doreen Ndumba Guantai as well as the five children have a right over the deceased persons estate.

The net intestate estate is to devolve to the said dependants and beneficiaries in equal shares. A certificate of confirmation to issue to that effect. Each party to bear their own costs.

**HON. A.ONG'INJO**

**JUDGE**

**RULING SIGNED, DELIVERED AND DATED THIS 28<sup>TH</sup> DAY OF JUNE 2018.**

**IN THE PRESENCE OF:**

C/A:

Petitioner:- N/A

Objector:- N/A

Notice to be issued by DR

**HON. A.ONG'INJO**

**JUDGE**