

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO. 419 OF 2015

IN THE MATTER OF ESTATE OF RINGERA M'RIRIA ALIAS RINGERA RIRIA- (DECEASED)

MARGARET KINANKARO FRANCIS.....PETITIONER

RULING

The deceased Ringera Riria alias M'Ringera M'Riria died on 10th April 1973 leaving behind 2 daughters in laws and a daughter namely Margaret Kinankaro Francis and Marieta Mutuma respectively and Muita Wachira. They consented to Margaret Kinankaro petitioning for letters of administration and grant was made on 24th November 2015. The deceased estate is comprised of L.R.No Ntima/Igoki/990 and 991 measuring 0.40 Ha and 1.21 Ha respectively.

Through M/s Kiogora Mugambi & Co Advocates, Marieta Gerrard had filed an objection dated 1st April 2016 seeking that temporary grant to Margaret Kinankaro should be revoked. Marieta died before prosecuting the objection and she was substituted with Daniel Kithure her son. The said Marieta and now Daniel claimed that the Administrator intended to dispose suit parcels to strangers listed in the mode of distribution. Daniel Kithure testified and said that his deceased father was entitled to 2 acres of land from the estate but he does not specify from which of the 2 parcels and he does not give a reason. This leaves the court with the reasonable logical mode of distribution proposed by Margaret Kinankaro made in affidavit sworn on 12th July 2016 which is equally for the children of the deceased and/or their survivors. This court adopts that mode of distribution save that proceeds of compulsory acquisition of 0.69 acres from L.R Ntima/Igoki/919 should be shared equally amongst the deceased persons children and/or their survivors.

Costs of the distribution and costs of cause should be borne by all beneficiaries equally from the proceeds of the compulsory acquisition.

HON. A.ONG'INJO

JUDGE

JUDGMENT DELIVERED, SIGNED AND DATED THIS 27TH DAY OF SEPTEMBER 2018.

In the presence:

C/A: Penina

Ngugi Advocate for Objector

Mr Nyagah holding brief for Muriuki for Petitioner.

HON. A.ONG'INJO

JUDGE