



REPUBLIC OF KENYA

IN THE COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO.20 OF 2009

IN THE MATTER OF THE ESTATE OF M'ETUANKURE KARITHO (DECEASED)

GRACE MBERO.....PETITIONER

VERSUS

BRONICA KABICHU M'ETUANKURE.....INTERESTED PARTY

RULING

This cause relate to the estate of M'tuankure Karitho who died on 28th July 2007 aged 87 years old while domiciled at Muringene within Meru county.

According to the chief's letter dated 2nd April 2009 from Chief of Muringene location the deceased was survived by:

1. Veronica kabichu - widow
2. Grace Mbero – Daughter
3. Ruth Kaimba – Daughter
4. Beatrice Ndiu – Daughter
5. Magret Gitura – Daughter
6. Ziphora Ncoolo – Daughter
7. Ngiri Mbaabu – Daughter deceased.
8. Stanley Mwirangi – Son
9. Mary Nkatha – Daughter

The net intestate was listed as NJIA/BURI-E-RURI/3350 upon which miraa trees grow. Grace Mbero, John Karuti was appointed Administrator on 4th august 2011. Application dated 13th June 2012 was filed by Bronica Kabichu M'etuankure who claimed to be the wife of the deceased. She sought that grant made to Grace Mbero Karuti be revoked.

An application dated 26th march 2012 was also filed by Grace Mbero seeking that her step Mother, brother be restrained from interfering with her other sister peaceful occupation of LR NJIA/BURI-E-RURI/3350 on 24/7/2017 the applications were compromised by having petitioner interested party being made joint administrators with directions that proposals for distribution be filed either jointly or separately. The interested party during the hearing of the protest admitted her son lived with her on LR NJIA/BURI-E-RURI/3350 which is in her son's name whereas L.R NJIA/BURI-E-RURI/3350 remained in the deceased person name and that is what should be distributed. She claimed the deceased have the petitioner her sister land but they sold. She was however not able to give particulars of the land given to petitioner.

The petitioner in her testimony send her mother was not given any land by the deceased she said the deceased left behind 2 parcels of land which the interested party took. She said her mother sued 6 daughters and the parcel of land in the deceased person's name is due to her

mother's house. She said it is the interested party who registered on of the parcels in her son's name from evidence on records interested party stays with her son on L.R 3349 which measures on acres whereas L.R 3350 is only 0.72 acres. This court is of the view that if the deceased had intended that he gets any more benefits from the estate she would not have moved her son on his portion of the land.

L.R 3350 which remains to be distributed would even be economical to be subdivided amongst the 6 daughters of the deceased person and his 1st wife.

In the circumstances it shall be shared jointly amongst the daughters of the deceased while interested party shall continue staying with her son the same way the deceased settled her.

No orders to cost

HON. A. ONG'INJO

JUDGE

RULING SIGNED, DELIVERED AND DATED THIS 22ND DAY OF NOVEMBER, 2018

IN THE PRESENCE OF:

C/A – Kinoti

Mr. Nyenyire H/B for Rimita for Protestor

Mr. Gitonga Advocate for Petitioner

HON. A. ONG'INJO

JUDGE

22/11/2018