

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 2611 OF 2013

IN THE MATTER OF THE ESTATE OF FRANCIS IRUNGU MAINA (DECEASED)

R U L I N G

1. The deceased herein died intestate on the 20th of March 2012. He left behind nine of his siblings both his parents and wife predeceased him. His siblings save for one Sixtus Ndungu Maina agreed on how to administer his estate and to share the same.
2. The estate was shared out and a confirmed grant issued accordingly.
3. By a summons dated 8th February 2018, the administrator moved the court seeking to have funds that had been allocated to Sixtus be shared among the other beneficiaries since Sixtus did not seem keen to collect the same.
4. Efforts to get Sixtus to court were futile even when the court attempted to get service of summons to appear served through the area chief. Sixtus is said to be married and has children. It is rather unusual that he would not take his share of the property distributed to him. And further refuse to attend court to explain his displeasure. Apart from the money a plot was given to him though nothing much has been said about it.
5. I am not convinced that the money and/ or any of the other properties listed as share of Sixtus from his brother's estate should be shared out as proposed.
6. And before making any final orders I summon the Chief of Makima Location, Mbeere South to appear in court on a date to be fixed as he may shed more light on this matter to enable the court determine the application with finality..

Dated and Delivered in Nairobi this 20th day of December 2018

ALI-ARONI

JUDGE