



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO.301 OF 2003**

**IN THE MATTER OF THE ESTATE OF M'RIMBERE M'IKUNYUA (DECEASED)**

**SARAH GAKERA**

**AMARIA RIGIRI**

**CONSOLATA NGITO.....PETITIONERS**

**Versus**

**REBECCA MUGURE MBOBUA.....PROTESTOR**

**RULING**

**Production of land registry record**

[1] I have been called upon to determine Summons dated 26<sup>th</sup> July 2014 for Confirmation of Grant of letters of administration to the Estate of M'Rimber M'Ikunyua, (the deceased). In these proceedings, I have also to determine the protest herein. But I note a major lapse. The Petitioners averred that ABOTHUGUCHI/GAITU/119 was subdivided by the deceased and resultant subdivisions from No 1458-1464 were registered to the respective beneficiaries herein. According to the Petitioners, ABOTHUGUCHI/GAITU/1461 was given to and registered in the name of the Protestor. However, the Petitioners provided to the court the land registry record for the said parcels except ABOTHUGUCHI/GAITU/1461. As this parcel is one of the properties which are said to have been settled or given by the deceased during his lifetime to the protestor herein and so section 42 of the Law of Succession Act will come into play in the distribution of the estate as such property shall be taken into account in determining the share of the net intestate estate finally accruing to that beneficiary. Accordingly, in order to fully determine the confirmation application as well as the protest, it is absolutely important that the registry record in respect of ABOTHUGUCHI/GAITU/1461 is provided to this court. I, therefore, order the Petitioners to file the registry record for ABOTHUGUCHI/GAITU/1461 within 7 days of today. Upon receipt of the said record, I shall deliver the final judgment on distribution of this estate. It is so ordered.

**Dated, signed and delivered in open court at Meru this 24<sup>th</sup> day of April 2017**

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**F. GIKONYO**

**JUDGE**

Ruling delivered in open Court in the presence of:-

Mrs Ntarangwi for petitioner

Baithabu for protestor- absent.

C.C . Mwenda

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**F. GIKONYO**

**JUDGE**