

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISCELLANEOUS SUCCESSION CAUSE NO. 123 OF 1988

**In the Matter of the Estate of ALEXIUS KAMUNDI GICHARE alias KAMUNDI GICHARI alias
ALEXIUS KAMUNDE JOSES (DECEASED)**

ISAAK KITHINJI KAMUNDEAPPLICANT

RULING

1. The Certificate of Confirmation of grant herein was issued on 18th March, 2002 to Margaret Kambura Kamundi. The estate of the deceased was entirely distributed to the said Margaret Kambura Kamundi (“the Petitioner”). The estate of the deceased constituted the following properties:-

- (a) LR Mwimbi/S. Mugumango/48
- (b) LR Igoji/Mwru 1/144
- (c) LR Igoji/Mweru 1/504
- (d) Business Plot No. 1 Ciakanyinga
- (e) Business Plot No. 19 Mugumo wa Kibura

2. Apparently, on 19th December, 2009, the Petitioner died as per the death certificate No. C 159932 dated 22nd January, 2016. On 25th April, 2016, Isaak Kithenji Kamunde, a son to the deceased applied to be substituted as the administrator of the estate and for the rectification of the Certificate of Confirmation.

3. In his Affidavit in Support of the Summons, the Applicant swore that he is a son of the deceased; that the original Petitioner died before she could complete the administration of the estate. He further swore that he had discovered that two properties belonging to the deceased, to wit, Mwimbi/S. Mugumango/687/1 and 48, had been left out of the estate and wished the two properties to be distributed.

4. I have looked at the record. I am satisfied that the Applicant is a son of the deceased. I am also satisfied that the original Petitioner died in or about 2009 as per the death certificate produced. I have seen the Search Certificates of 22nd April, 2016 for LR No. Mwimbi/S. Mugumango/687/1 and 48, respectively. They are still registered in the names of Alexius Kamunde Joses, the deceased in this succession Cause. It is therefore clear that the original Petitioner passed away before completing the process of administration of the estate. The application has not been objected to.

5. In the premises, I find the application to be meritorious. I allow the same in terms of Paragraphs 1, 2 and 3 of the Summons. It is so ordered.

DATED AND DELIVERED AT MERU THIS 18TH DAY OF MAY, 2017.

A. MABEYA

JUDGE

18/05/2017