



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO. 345 OF 2006

IN THE MATTER OF THE ESTATE OF TERAH MUGUNA ANDREW (DECEASED)

WINFRED NKIROTE MUTHURI.....PETITIONER

WINNIE MUKIRI.....APPLICANT

VS

ROSEMARY KANARIO TERAH.....RESPONDENT

RULING

Application dated 12th October 2015 was brought by applicants counsel M/S F.K.Gitonga and Company Advocates seeking that the court be pleased to grant an order of inhibition against land parcels No. Nyaki/Kithoka/2100, Ntima/Igoki/6696, Ntima/Igoki/6648 prohibiting any sale, transfer, lease, subdivision or any other form of interference whatsoever, pertaining to the aforementioned pieces of land pending the hearing and determination of this cause.

The application was based on grounds on face of application and supporting affidavit Winfred Nkirote sworn on 12th October 2015. Applicant said that some of the beneficiaries of the deceased were in the process of subdividing parcels of land in the estate and there were potential buyers and if allowed they would disinherit the rest of the beneficiaries.

Application for confirmation dated 29th January 2015 by the administrator Winfred Nkirote Muthuri but before the application was he and she also filed application for inhibition.

The applicant didn't annex search certificate and or any documents to prove that parcels of land No. Nyaki/Kithoka/2100, Ntima/Igoki/6696 and Ntima/Igoki/6648 forms part of the estate of the late Terah Muguna Andrew. The deceased died on 9th October 2000 and according to annexures RKT1 to Rosemary Kanario Terahs Replying Affidavit shown on 16th January 2016 parcel No. Nyaki/Kithoka/2100 was registered in the name of Muguna Investment Ltd on 5th September 1997 and 30th December 2014 it was transferred to Hodge Mutwiri Muguna. Parcel No. Ntima/Igoki/6696 is shown in search no 194/5 dated 14th May 2015 was registered in the name of Muguna Investment Ltd on 28.6.2004.

The applicant has not proved why inhibitions should be lodged in the parcels of land in question without proof of proprietary rights.

In the circumstances application is dismissed with costs to respondents.

Ruling Signed, Delivered and Dated this 31st Day of August 2017.

HON. A.ONG'INJO

JUDGE

In the presence of:

C/A Penina

Petitioner:- N/A

Applicant:- N/A

Respondent:-N/A

DR to notify parties of the Ruling

HON. A.ONG'INJO

JUDGE