

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 2334 OF 2008

**IN THE MATTER OF THE ESTATE OF LABAN MUGWONGA MIONDU alias LABAN
MIGUONGO MIONDU (DECEASED)**

KEZIAH WAMBUI MBUGUA.....1ST APPLICANT

LUCY KISA WANJIRA.....2ND APPLICANT

VERSUS

PETER KABUGO MIGUONGO.....RESPONDENT

RULING

1. The applicants Keziah Wambui Mbugua and Lucy Kisa Wanjira are daughters of the deceased Laban Miguongo Miondu who died intestate on 8th April 1978. The respondent Peter Kabugo Miguongo is their brother. In the ruling of the court delivered on 22nd March 2017, it was found that the entire family of the deceased, including the applicants, had agreed to the respondent petitioning for the grant of letters of administration and had consented to the distribution of the estate, following which the grant had been confirmed. The applicants' application for the revocation of the grant was dismissed.

2. In the present application the applicants state that 0.62 acres LR Dagoretti/Uthiru/53 was left out during the confirmation of the grant. They sought that the portion be included and that the same be shared out to all beneficiaries. The 1st applicant supported the application by the affidavit in which she stated that the respondent's division of the shares as per the certificate of confirmation indicated a total of 3.58 acres which left out 0.62 acres.

3. In the ruling referred to above, it was acknowledged that a survey would be done to confirm the sizes of the shares, and that if the survey revealed that there was a balance of land (after the shares in the certificate of confirmation have been considered) that balance shall be shared equally among all the beneficiaries. All the beneficiaries were to equally bear the expenses of the survey. The applicants are not saying that a survey has been done, or that they have contributed to any such survey.

4. I find no merit in the application dated 2nd May 2017 by the applicants and dismiss it with costs.

SIGNED at NAIROBI this 14TH day of SEPTEMBER 2017.

A. O. MUCHELULE

JUDGE

DATED and DELIVERED at NAIROBI this 18TH day of SEPTEMBER 2017.

W. MUSYOKA

JUDGE