

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO. 284 OF 2009

IN THE MATTER OF THE ESTATE OF MUCHEKE KITHAMBA IRUMI (DECEASED)

GILBERT KITHUCI MUCHEKEPETITIONER

Versus

DAINA MUKWANJERU MUCHEKERESPONDENT

RULING

Having reserved the Judgment for delivery on 9th November, 2017, I have now thoroughly but carefully considered the record. I note the foregoing:-

(a) there is an allegation that after confirmation, the administrator distributed the entire estate in terms of the Certificate of Confirmation dated 10/2/2005.

(b) that the estate property was divided into four titles. That the titles belonging to the Objector and Ashford Kariuki are already sold to a third party. There are sale agreements on record.

(c) although at the trial the Objector denied the agreement, I have seen an Affidavit on record in which she has sworn otherwise.

(d) since the parties were unrepresented, it would seem that not all the evidence was tendered by them to enable the Court reach a just and fair conclusion.

(e) being aware of the provisions of **section 93 of the Law of Succession Act**, and seeing that there may have been dispositions of the state after confirmation, and for the interests of justice, I call for more evidence under **Articles 159 of the Constitution of Kenya**.

(f) Accordingly, summons to issue to Ashford Kariuki, a beneficiary and one Michael Kirimi Ndubi of P. O. Box 183, Nanyuki to appear in Court to enlighten the court further. Any decision that this Court will make on the objection will in one way or the other affect these two. For hearing on 19/3/2018.

DATED, and DELIVERED at Meru this 23rd day of October, 2017.

A. MABEYA

JUDGE