

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

SUCCESSION CAUSE NO. 41 OF 2003

IN THE MATTER OF THE ESTATE OF JOEL MWATU NZOMO – (DECEASED)

KIILU MWATU NZOMO

JULIUS MUASYA MWATU

SAMMY MULI MWATU.....APPLICANTS

REGINA KILUU MUNYAO MUTUA

ROSE KALONDU MUNYAO MUTUA

RULING

0. The applicants seek rectification of Grants to two Estates of the deceased persons to enable the distribution of the Estate property which (Mitaboni/Mutituni/1758) is registered in the two deceased persons, Joel Mwatu Nzomo and James Mutua Nzomo as proprietors in common in equal shares.
0. The application was filed pursuant to advice by the District Land Registrar, (N.D. Nyambaso) Machakos by letter dated 15th September, 2014.
0. The beneficiaries of the two Estates have agreed on the distribution and what remains is the implementation of the distribution by registration at the Lands Registry.
0. I consider it to be in the interests of justice and to be in accordance with the Article 159 principles of expeditious disposal of cases to have the two Estates, which are comprised in one asset held in common by the two deceased persons to be consolidated for purposes of issuance of one confirmed Grant for distribution according to the respective shares of the beneficiaries of the two Estates.
0. Accordingly, summons dated 31st August, 2015 is granted with costs in the cause.

DATED AND DELIVERED THIS 15TH DAY OF MARCH 2016.

EDWARD M. MURIITHI

JUDGE

In the presence of: -

No appearance for the parties

Ms. Doreen - Court Assistant.