

REPUBLIC OF KENYA
HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 678 OF 2009

(In the matter of the Estate of Margaret Herman

M'Mbui alias Margret Herman M'Mbui (Deceased)

JULIA MAKENA MBUI.....1ST PETITIONER

MARTHA KANGAIMBUI.....2ND PETITIONER

RULING

Confirmation of grant of probate

[1] In my ruling delivered on 1st September, 2016, I directed the applicants to deliver the original Will for authentication by the court. The original Will has now been produced and is part of the record. I am now in a position to determine the application for confirmation of grant dated 15th day of January, 2016. I am satisfied that a grant of probate was rightly made to Julia Makena Mbui and Matha Kangai Mbui on 2nd day of April 2015; the two are the appointed executors in the Will dated 6th day of October 2010 made by the testator. The said Will has been signed by the testator by affixing a finger print to the Will. The said finger print of the testator has been placed and it appears it was intended thereby to give effect to the writing as a Will. Finally, the Will has been attested to by two competent witnesses, namely Mungani M. Paula and Joshua Muriuki Munyua by appending their signatures to signify that they have seen the testator affix her finger print to the Will. In the Will, the testator also averred that she affixed her finger print to the Will in the presence of these two witnesses. The Will was drawn by Kiautha Arithi and Co. Advocates.

[2] As there is no evidence to the contrary or to prove that this Will or any part thereof was caused by fraud or coercion or was induced by mistake, I consider the Will to be valid and proved. The executorship proposed in the application is in accordance with the Will and I see nothing to suggest that the executors will not administer the estate according to the law. There is also no objection to the Will or for confirmation of the grant of probate that has been raised or filed. Accordingly, I allow the application for confirmation of grant dated 18th January 2016 and I hereby confirm the grant of probate made to the applicants herein on 2nd day of April 2015. Distribution of the estate shall be in accordance with the terms of the Will and as have been reproduced in paragraph 6 of the affidavit in support of the application dated 18th January, 2016.

Dated, signed and delivered in open court this 26th day of September, 2016.

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F. GIKONYO

JUDGE

In the presence of:

Mr. Munene Advocate for two petitioners who are present

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F. GIKONYO

JUDGE