



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIVASHA**

**SUCCESSION CAUSE NO. 24 OF 2015**

***(Formerly Naivasha CM's Succession Cause No. 83 of 2011)***

**IN THE MATTER OF ESTATE OF ISAAC NG'ANG'A KAMAU (DECEASED)**

**JOSHUA KIMITA MWANGI.....OBJECTOR/APPLICANT**

**VERSUS**

**PHILIP CHEGE NG'ANG'A.....1<sup>ST</sup> RESPONDENT**

**GEOFFREY MBUTHIA MACHARIA .....2<sup>ND</sup> RESPONDENT**

**SIMON MWANGI MACHARIA.....3<sup>RD</sup> RESPONDENT**

**R U L I N G**

1. The Summons for confirmation of grant has been pending since 10<sup>th</sup> January, 2016. On 13/3/2012 the Protester **Joshua Kimita** filed a protest but despite initial service for attendance on 19/5/2015, and subsequently through substituted service, the Petitioners have stayed away.
2. Thus on 19/7/2016 the matter proceeded in the absence of the Petitioners. For his part the Objector stated that he does not oppose the confirmation of grant save that the portion due to the Objector's family is **1.3 acres** and not **1.125 acres** indicated in the proposed distribution contained in the Summons for Confirmation.
3. The facts relied on by the Protestor have not been controverted by the Petitioners or any explanation given for proposal to assign **1.125 acres** to the Protestor rather than **1.3 acres**.
4. In the circumstances, I do confirm the grant in accordance with the shares identified in the Chief's letter dated 4<sup>th</sup> April, 2011 and filed by the Petitioners with the Petition on 7/4/2011. The mode of distribution in the confirmed grant will accord with the Chief's letter in question.
5. The Protester is directed to serve a copy of the confirmed grant on the Petitioners and other buyers so that any aggrieved party may approach the court.

Delivered and signed on this **23<sup>rd</sup>** day of **November, 2016**.

In the presence of:-

For the Petitioner        s        :        N/A

For the Protestor         :        N/A

Court Clerk                :        Barasa

**C. MEOLI**

**JUDGE**