

IN THE HIGH COURT OF KENYA AT MURANG'A

SUCCESSION CAUSE NO 76 OF 2013

IN THE MATTER OF THE ESTATE OF J M N, DECEASED

RULING

1. The 1st Administrator in this matter, **AWN**, is the widow of the Deceased **JMN**. At the time of the Deceased's death they had three children -

- i. RWM
- ii. ENM
- iii. MNM – MINOR

2. The Deceased died on 30th January 2009. His estate comprised land parcel [Particulars Withheld] measuring approximately 0.405 Ha.

3. By a sale agreement dated 1st January 2011 the 1st Administrator sold the said parcel of land to one **Charles Irungu Macharia** (who subsequently became the 2nd Administrator in this cause). The 1st Administrator utilized the proceeds of the sale to purchase two parcels of land – [Particulars Withheld] (measuring approximately 0.58 Ha.) and [Particulars Withheld] (measuring approximately 0.60 Ha). Both parcels of land are now registered in her name.

4. Both Administrators subsequently applied for confirmation of the grant made to them herein on 05/12/2013. They sought leave of the court for distribution to include transfer of [Particulars Withheld] to the 2nd Administrator as per the sale agreement already referred to. The 1st Administrator has pointed out that with the purchase of the other two parcels of land using the proceeds of sale of L.R. [Particulars Withheld], her children will not be disinherited by transfer of that parcel of land to the 2nd Administrator; on the contrary they will have a better inheritance with the two parcels of land purchased with the proceeds of the sale to the 2nd Administrator.

5. Having read both the supporting affidavit and the further affidavit filed on 31st October 2014, I will allow the summons for confirmation of grant as prayed. Distribution shall be as proposed at paragraph 4 of the supporting affidavit. It is so ordered.

DATED AND SIGNED AT MURANG'A THIS 16TH APRIL 2015

H P G WAWERU

JUDGE

DELIVERED THIS 17TH DAY OF APRIL 2015