



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

SUCCESSION CAUSE NO. 378 OF 1980

IN THE MATTER OF THE ESTATE OF CHIEF KIBATHI GITANGU – DECEASED

RULING

1. The application for determination is the summons for rectification dated 30<sup>th</sup> August 2011. The rectification is prompted by the orders of the court of 2<sup>nd</sup> June 2010 which directed that one Joseph Gitangu Kibathi be included as beneficiary and allocated property from the estate for his inheritance. The Public Trustee had also been required to give details of what each beneficiary gets out of the estate.
2. The rectification application has been supported by the beneficiaries represented by the firm of Messrs. Masore Nyangau & Co. Advocates. Those in opposition have suggested alterations be made to some of the proposals by the Public Trustee.
3. I have carefully gone through the proposals by the Public Trustee and those by the beneficiaries in opposition. I am satisfied that the proposals by the Public Trustee are largely equitable. Exact equality in distribution is not always feasible as various factors are considered in determining shares – such considerations include the relative value of the portion being allocated.
4. I will allow the application dated 20<sup>th</sup> August 2011 in the terms proposed. Costs shall be in the cause.

**DATED, SIGNED and DELIVERED at NAIROBI this 31<sup>st</sup> DAY OF January, 2014.**

**W. MUSYOKA**

**JUDGE**