

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO.783 OF 2010

AND

IN THE MATTER OF SAMUEL MURAYA- (DECEASED)

RULING

1. I had on 29th May 2013 postponed the application dated 6th February 2012 which sought confirmation of the grant herein. This was designed to allow the administrators to obtain a valuation of the shares of the deceased in Akuisi Farmers Company Ltd. I had fixed the matter for mention on 1st July 2013.
2. When the matter came up on 1st July 2013, the parties indicated that they were not able to trace the offices of the Akuisi Farmers Company Ltd. The sons indicated that they were willing to forgo the said asset for distribution amongst the daughters.
3. As the money raised from the disposal of the shares in Mwimbi Mungano Investment Ltd has already been distributed amongst the widow and the sons, it may be pointless to ask them to refund the money. I note too that Loc. 14/Kirui/1601 is ancestral land measuring 35 acres, it is prudent to let the widow and sons to keep this asset too. The balance of the assets – that is to say Dandora Plot T 58 Muoroto and the shares in Akuisi Farmers Company Ltd – should be shared out amongst the other survivors of the deceased, those who did not participate in the distribution of the shares in Mwimbi Mungano Investments Ltd. As of now nobody knows whether the shares in Akuisi Farmers Company Ltd exist or not.
4. Consequently, I will make following final orders with respect to the application dated 6th February 2012:-
 - (a) That the application dated 19th July 2011 is hereby confirmed.
 - (b) That the estate of the deceased shall devolve as follows:-
 - (i) Loc. 14/Kirui/1601 shall be shared equally between Jacinta Nyambura Muraya, John Wangai Muraya, Peter Macharia Muraya and James Waweru Muraya.
 - (ii) Shares in Akuisi farmers Company Ltd shall be shared equally between Lucy Njeri Chege, Anastasia Muthoni Muraya, Mary Wanjiku Ngomo, Joyce Nduta Muraya and Grace Wangai Muraya.
 - (iii) Dandora Plot T. 58 Muoroto shall be shared equally between Lucy Njeri Chege, Anastasia Muthoni Muraya, Mary Wanjiku Ngomo, Joyce Nduta Muraya and Grace Wangai Muraya.

DATED, SIGNED and DELIVERED at NAIROBI this 25th DAY OF April 2014.

W. MUSYOKA

JUDGE

No appearance for the objector.

No appearance for the respondent.