

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

SUCCESSION CAUSE NO. 327 OF 2002

IN THE ESTATE OF DANSON KIHoyo MUCHANO –(DECEASED)

RULING

1. I have perused the report of the Kiambu District Surveyor dated 26th July 2011.
2. From the said report it is clear that Kiambaa/Ruaka/429 no longer exists. It was subdivided in 1960 to create Kiambaa/Ruaka/527 and Kiambaa/Ruaka/528 measuring 1.12ha and 0.2ha respectively. Kiambaa/Ruaka/528 was then transferred in 1983 to a Ms. England. The deceased died possessed only of Kiambaa/Ruaka/527 which measures 1.12ha.
3. Kiambaa/Ruaka/527 was subsequently subdivided into Kiambaa/Ruaka/913 and 914 by a mutation done by D. Wabaru, a licensed surveyor, dated 17th September 1990. The said mutation is not in the court record. The District Surveyor visited the ground and discovered that the occupation on the ground does not tally with the 1990 mutation.
4. The order made on 30th June 2009 by Rawal J. was that Jane Nyambura was to get 0.56 hectares out of Kiambaa/Ruaka/429 This Kiambaa/Ruaka/429 does not exist and what should be shared out is Kiambaa/Ruaka/527. As Kiambaa/Ruaka/527 has mutated into Kiambaa/Ruaka/913 and 914, I do hereby direct that Jane Nyambura be given Kiambaa/Ruaka/913, with Kiambaa/Ruaka/914 being divided into three portions according to the three houses of the deceased.

DATED, SIGNED and DELIVERED at NAIROBI this 16th DAY OF May, 2014.

W. MUSYOKA

JUDGE

No appearance advocate for the petitioner.

No appearance advocate for the objector.