

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MILIMANI

SUCCESSION CAUSE NO. 1700 OF 2003

IN THE MATTER OF THE ESTATE OF JOSEPH MUTURI KURIA – (DECEASED)

RULING

The application dated 24th September 2012 is for rectification of the grant to add items that had been left out and to exclude others that were allegedly erroneously included in the list of assets.

The two assets sought to be excluded are **Nyandarua/Ndemi/1402** and **Nyandarua/Kaimbaga/Ext.73**. It is said **Nyandarua/Ndemi/1402** does not form part of the estate as it was sold off to Samuel Kimani Ngugi. It has not been explained who sold the property to Mr. Ngugi and when the said sale took place. **Nyandarua/Kaimbaga/Ext. 73** is said to be family land. It is not explained what is meant by family land.

The application dated 24th September 2012 is hereby postponed. The administrators shall file a further affidavit:-

(1) to explain who sold **Nyandarua/Ndemi/1402** to Samuel Kimani Ngugi and to attach copy of the sale agreement in respect of the said sale; and

(2) To explain in what respect **Nyandarua/Kaimbaga/Ext.73** is family land and to attach copy of the title to the said property – **Nyandarua/Kaimbaga/Ext. 73**.

SIGNED DATED and DELIVERED in open court this **30th** day of **August, 2013**.

W.M. MUSYOKA

JUDGE