

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSE NO. 281 OF 2008

**IN THE MATTER OF THE ESTATE OF GITHINJI MBUTUIMWE Alias GITHINAI
MBUTUIMWE -DECEASED**

BEATRICE WAMBUI WARUI..... PETITIONER

VERSUS

MARCLUS MUTEMBEI GITHINJI)

KABUI GITHINJ).....APPLICANTS

R U L I N G

This is the application dated 31st January 2013 seeking the following orders:-

1. (a) The names of the 2nd and 3rd beneficiaries be rectified to read MARCLUS MUTEMBEI GITHINJI and KABUI GITHINJI, and another certificate of confirmation of grant to issue bearing the correct names of the beneficiaries.

2. (b) The cautions registered against the title of LR. No. Kiine/Gacharo/557 be lifted.

3. (c) The executive officer of the court be authorized to be signing all the necessary documents in place of the 1st beneficiary Beatrice Wambui Warui to facilitate transmission of the properties to the beneficiaries.

4.(d) Costs of the application be provided for.

It was supported by the annexed affidavit of Marclus Mutembei Githinji. The certificate of confirmation issued on 7/07/2011 has some errors in the names of the beneficiaries as can be seen from the copies of the identity cards annexed. The names should read as shown in the annexed copies of identity cards.

The certificate of search (MMG3) shows some cautions placed by purchasers. The said cautions shall be lifted to enable the administrator distribute the estate accordingly. The purchasers can then follow the vendor/s for their shares once each beneficiary has received his/her share.

Before this court issues any orders in terms of prayer No. (c) I direct the Deputy Registrar to issue summons for the petitioner/administrator to personally appear before this Court to explain her failure to distribute the estate to the beneficiaries.

Summons to issue for 14/8/2013. Her advocate to be notified.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT EMBU THIS 1ST DAY OF
AUGUST, 2013.**

H.I. ONG'UDI

J U D G E

In the presence of :-

Mr. Njeru Nyaga for Maina Kagio for Applicants

Mutero CC