



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
SUCCESSION CAUSE NO. 242 OF 2003
IN THE MATTER OF THE ESTATE OF M'RIMBERIA M'IKIRIMA
.....DECEASED

Verses

JENIFFER MUKAMI M'RIMBERIA.....1ST PETITIONER
REBECCA M'RIMBERIA.....2ND PETITIONER

LESIT J.

R U L I N G

There are two applications under consideration. One has been filed by the 2nd Petitioner and is dated 28th September 2010. The second application is by the 1st Petitioner and is dated 3rd November 2010. The later application was filed just before the hearing of the 2nd petitioner's application. In view of the nature of both applications this court directed that both parties argued the two applications for consideration of the court in one judgment. This is judgment.

The application by the 2nd petition dated 28th September 2010 has been brought by the 2nd petitioner in person. No law or rules are cited on the face of the application. The 2nd petitioner seeks an order authorizing the Deputy Registrar of this court to sign all documents of transfer in respect of title No. NYAKI/CHUGU/310 and NYAKI/CHUGU/40 to the beneficiaries in accordance to the judgment dated 23rd May 2008.

The 2nd petitioner cites three reasons for the order sought in her application namely:

1. The co-petitioner has refused to sign the transfer forms to enable distribution of the estate of the deceased in accordance to the court judgment date.

The application is supported by the affidavit sworn by the 2nd Petitioner of even date. In that affidavit the 2nd petitioner denies the refusal, neglect or failure of the 1st petitioner to sign the documents of transfer to effect the judgment of the court delivered on 23rd May 2008.

The 1st petitioner filed a replying affidavit to the instant application dated 3rd November 2010. In her affidavit the 2nd petitioner explains the reason for the lack of cooperation to bring into effect the distractions of the deceased estate as per the courts judgment of 23rd May 2008. The 2nd petition contends that the judgment went against the wishes of the deceased and those of the clan members. She contends secondly that the deceased had already divided the suit land into two for each widow. The two reasons given is that the judgment has a lot of discrepancies since it refers to two parcels of land yet the deceased left only one parcel of land namely NYAKI/CHUGU/310. The final reason given is that the judgment discriminated against the daughters of the deceased whom she claims have been left homeless.

Dated signed and delivered at Meru this 17th Day of February 2011.

**LESIIT J.
JUDGE**

17TH February 2011

Coram:

Lesiit J.....Judge
Kiriimi.....Court clerk
Mr.For Petitioner
Mr.....For Objector

Ruling was read, signed and delivered in open court this 11th February 2011.

**LESIIT J.
JUDGE**

Dated Signed and delivered at Meru this 17th day of Feb 2011

**LESIIT, J
JUDGE**