



SUCCESSION

- **The administrator is first registered in the title of deceased property in transmission before sharing the property to the beneficiaries.**

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCC. CAUSE NO. 161 OF 2002

**IN THE MATTER OF THE ESTATE OF THE LATE M'IMANYARA M'TURUCHIU
(DECEASED)**

MUNYANGE M'IMANYARAPETITIONER

VERSUS

M'RARAMA M'TUARUCHIU.....OBJECTOR

RULING

Judgment was delivered in this case on 13th March 2008 to the effect that the suit property *Abothuguchi/Kithongo/815* was to be shared between Munyange M'Imanyara and M'Rarama M'Turuchiu with each of them getting a share of that property in "*The proportion each currently occupies.*" The sub division in accordance with that judgment has never been undertaken. I am dealing with two applications in this ruling. One is dated 18th May 2010. It is filed by Munyange M'Imanyara. She seeks that an order be issued ordering OCS Meru Police Station to provide security to the district surveyor Meru to sub divide the land as per the judgment of the court. Munyange deponed that on 21st April 2010, the District Surveyor Meru went on the suit property to sub divide it, but was prevented by M'Rarama who in the company of many other people who were armed with pangas, crabs and stones. Munyange stated in her affidavit that M'Rarama has no intention of putting into effect the judgment of the court. The application was opposed by M'Rarama. It was opposed on the basis that Munyange had registered the suit property in her name. According to M'Rarama she could then give him any portion of land she wished. M'Rarama also filed an application which is under consideration in this ruling. The application is dated 27th May 2010. He seeks an order that the registration of the suit property in the name of Munyange be cancelled because it was against the order in the judgment of this court. In response, Munyange stated that she obtained registration of that suit property, in her name, as proprietor in transmission. That indeed is the correct procedure. The deceased property must first be registered in the administrator's name before being sub divided to the beneficiaries. That is done through the filing of form RL19. Munyange did not therefore contravene the judgment of this court and it is for that reason that I find the application by M'Rarama dated 27th May 2010 to be without merit and is dismissed. In my view, it is about time the administration of this estate was brought to a close. The orders that commend myself to me are as follows:-

- 1. The OCS Meru Police Station is ordered to provide adequate security to the District Surveyor Meru to enable the surveyor subdivide parcel number Abothuguchi/Githongo/815 as per the judgment of this court dated 13th March 2008. This exercise should be undertaken within 30 days from today's date. A mention date will be given at the reading of this ruling when the court will monitor the progress being made.*
- 2. The chamber summons dated 27th May 2010 is dismissed with no orders as to costs.*
- 3. The Chamber Summons dated 18th May 2010 is allowed to the extent of number 1 above with no orders as to costs.*

Dated, signed and delivered at Meru this 31st day of March 2011.

MARY KASANGO
JUDGE