



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NYERI  
SUCCESSION CAUSE NO. 1141 OF 2009  
IN THE MATTER OF THE ESTATE OF  
MURIUKI KAGO alias**

**MURIUKI S/O KAGO .....DECEASED  
AND  
MAINA MURIUKI .....PETITIONER  
Versus  
HAZRON MURANGA MURIUKI & 8 OTHERS..... PROTESTORS**

**RULING**

A grant of letters of administration intestate in respect of the estate of Muriuki Kago, deceased was made to Maina Muriuki hereinafter referred to as the Applicant, on 3<sup>rd</sup> March 2010.

The applicant took out the summons for confirmation of grant dated 10<sup>th</sup> February 2011. Hazron Muranga Muriuki, hereinafter referred to as the Protestor filed an affidavit of protest on behalf of himself and on behalf of 8 other protestors to oppose the summons. The applicant proposed for the only asset of the estate i.e. L.R. no. Konyu/Gachuku/205 to be shared as follows:

1. Maina Muriuki - 0.8 acres
2. David Mwangi Muriuki - 0.8 acres
3. Patrick Mwangi Muriuki
4. Erastus Kago Muriuki
5. Margaret Wairimu
6. Peter Karanja Muriuki
7. Rehoboam Wakaba Muriuki
8. Hazron Muranga Muriuki To get 0.8 jointly
9. Robert Githendu Muriuki
10. Winfred Wangechi Muriuki
11. Elizabeth Wairimu
12. Charity Gathoni

13. Douglas Ichahi Muriuki

The protestors proposed the land to be shared in equal portions. I have considered the affidavit evidence and the written submissions. It is not in dispute that the deceased was married to three wives with a total of 13 children. The three wives are all dead. Under section 40 of the Law of Succession Act, where the deceased is survived by children without a spouse, his estate will be shared equally between the children. I think I am convinced the grant should be confirmed on the basis of distribution proposed in the affidavit of protest which I so order. In the end, the protest succeeds. Since the dispute involves siblings I direct that each one of them meets his or her own costs.

Dated and delivered this 14<sup>th</sup> day of October 2011

J.K. SERGON  
JUDGE

In open court in the presence of the Applicant in person.

J.K. SERGON  
JUDGE