



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Succession Cause 856 of 1998**

**IN THE MATTER OF THE ESTATE OF MBUGUA KINGIRI (DECEASED)**

**R U L I N G**

Before me is a Summons dated 22<sup>nd</sup> October, 2009 filed by Muthoni Gakumo. It is an application requiring that the Deputy Registrar do sign mutation forms for transfer of ½ an acre in Kiambu/Ndumberi/Riabai/T.61 which is said to be the interest of the applicant.

The administrators **ELIZABETH WANJIRU MBUGUA** and **RACHAEL NYAMWANGI MBUGUA** oppose the application. They filed a replying affidavit sworn by **ELIZABETH WANJIRU MBUGUA**.

Their counsel Mr. Nyandieka also addressed me in opposition to the application. He submitted that there was a process that would require the parties going to the Land Control Board, and also the sharing of costs.

Having considered the application, I find no basis for rejecting the application. There is no dispute that the subdivision will have to be done anyway. In my view, it is the administrators duty to do the needful, and if there is a problem, they either find a solution out there, or they come to court for appropriate order. They have not come to court to ask for any orders.

I therefore order as follows-

- 1. I give the administrators up to the end of July this year to complete the transfer.*
- 2. In default, prayer 1 in this application will be effected by the Deputy Registrar as requested*
- 3. Costs in the cause.*

Dated and delivered at Nairobi this 15th day of March, 2010.

**GEORGE DULU**  
**JUDGE.**