



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**

**Succession Cause 141 of 2005**

**IN THE MATTER OF THE ESTATE OF MUTIGA M'THIRINGI (DECEASED)**

**JULIA MAINDA MUTIGA ..... PETITIONER/APPLICANT**

**VERSUS**

**STANLEY KIURU ..... OBJECTOR/RESPONDENT**

**RULING**

The petitioner Julia Mainda petitioned for grant of letters of administration intestate in respect of her husband's estate in this matter. After the cause was gazetted, Stanley Kiuru filed an objection and cross petition for a grant. That objection was filed on 29<sup>th</sup> July 2005. To date, the objection has not been heard. What is for consideration by the court is a Chamber Summons dated 28<sup>th</sup> October 2009. By that chamber Summons the petitioner seeks to restrain the objector from evicting her or from plucking and damaging her *miraa* plants. In her affidavit in support the petitioner stated that the objector is her step son born by her deceased father and another woman. He was brought to her and she reared him. Before the deceased husband passed away, he had divided his only property parcel no. L.R. *Njia/Buri-E-Ruri/1632*. However, after the death of her husband, the objector begun to forcibly pluck her *miraa* shoots and at other times destroying the young shoots in order to destroy the plants. She also deponed that he has been cutting her napier grass for his cows. Further, that he instructed his son to build a house right next to the petitioner with a view to evicting her. The petitioner is an elderly lady. At the hearing of her application her counsel did ask her to stand up and I had an opportunity to see her. She, I would estimate would be in her late 70 and early 80 years. she said that at time she has been threatened with slashes by the objector and his son and all of this with a view to getting her to vacate the suit property. The petitioner has reported the matter to the chief and the police who have variously warned the objector. The objector has not relented and she was advised to bring the matter to court. The matter was not opposed since the objector had not filed an affidavit in opposition to the petitioner's plaint. I find that the application is merited and is deserving of the prayers that are sought. I grant the following orders:-

- 1. An order is hereby issued restraining Stanley Kiuru the objector herein whether by himself, through his assigns, servants, agents and or employees or whomever acting or claiming for him from evicting the petitioner Julia Mainda M'Mutiga and/or from plucking or damaging Julia Mainda M'Mutiga's miraa (khat) or in any way interfering with the petitioner's applicant's exclusive peaceful quiet and uninterrupted possession of half of LR. No. *Njia/Buri-E-Ruri/1632* pending the hearing and determination of this matter.**
- 2. The objector shall pay the petitioner's costs of the Chamber Summons dated 28<sup>th</sup> October 2009.**

Dated and delivered at Meru this 12<sup>th</sup> day of March 2010.

**MARY KASANGO**  
**JUDGE**