



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**Succession Cause 246 of 1995**

**IN THE MATTER OF THE ESTATE OF KANGANGI KAIRARIA (DECEASED)**

**M'NDAKA KANGANGI ..... PETITIONER**

**VERSUS**

**JOSEPH MURUNGI GITONGA ..... APPLICANT**

**RULING**

Justice Ouko, by his ruling delivered on 17<sup>th</sup> July 2009, revoked the grant issued to the petitioner. Before that revocation, the petitioner had dealt with the suit property, that is, *Mwimbi/Chogoria/1086* by sub dividing it into 6 portions. The Judge, in making that ruling, stated that the petitioner had distributed those portions to six other persons. Joseph Murungi Gitonga has filed a Chamber Summons dated 25<sup>th</sup> February 2010 seeking the court to cancel those 6 sub divisions and to have the same revert to the original title *Mwimbi/Chogoria/1086*. Although the petitioner was served the application, when it came for hearing, he did not attend. After the hearing of that Chamber Summons, a ruling was reserved for 28<sup>th</sup> May 2010. However, as I sat to consider that ruling, it occurred to me that it is of paramount importance that the persons to whom the sub divided parcels were distributed be heard. For that reason, I do hereby set aside the proceedings of 16<sup>th</sup> May 2010 and do hereby give leave to the applicant Joseph Murungi Gitonga to file a further affidavit setting out the names of persons to whom the subdivisions are registered in. At the reading of this ruling, I shall give fresh hearing dates to the Chamber Summons dated 25<sup>th</sup> February 2010 and at that subsequent hearing, the registered owners of the sub divided parcels will require to be served so that they can be heard.

Dated and delivered at Meru this 28<sup>th</sup> day of May 2010.

**MARY KASANGO**  
**JUDGE**