



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT MERU  
SUCCESSION CAUSE 233 OF 2002**

**IN THE MATTER OF THE ESTATE OF I B alias M B (DECEASED)**

**G N I ..... PETITIONER**

**VERSUS**

**SN I ..... OBJECTOR**

**JUDGMENT**

The widow of the deceased G N M'Igweta petitioned for grant of letters of administration intestate. She set out in that petition the names of the children of the deceased and in that list included J M and J G grandchildren of the deceased. An objection was raised by S N, a son of the deceased and when the matter came before court, an order was made on 19<sup>th</sup> December 2005 appointing both G and S as joint administrators of this estate. The two administrators have been unable to agree on the mode of distribution of the only one parcel of land belonging to this estate namely [*particulars withheld*]. G has filed an affidavit proposing her mode of distribution and similarly S has done the same. When the matter came before me on 3<sup>rd</sup> June 2010, I was satisfied that I would be able to order distribution from the facts contained in those affidavits. I however posed a question to G inquiring whether J M, a grandson of the deceased was living on the land. An answer came from the advocate representing G to the effect that he is a son of one of the daughters of G. G also stated that J M is married and lives on that property with his family. Her advocate stated that the daughters of the deceased were all married and were all living at their matrimonial homes. In the proposed distribution of G, she has allocated one acre each to the two sons of the deceased and to the grandson J M. She has further proposed that she holds for her lifetime 1.94 acres of that land which would thereafter be shared equally amongst the 4 daughters. Samson on his part shared out 1.85 acres to himself and his other brother to the exclusion of the grandson. He thereafter proposed that Gladys would get 1 ¼ acres for her lifetime and thereafter to be shared equally amongst what he calls 5 daughters. It is noted that S has

identified 5 daughters of the deceased whereas Gladys only mentioned 4. Similarly, the letter of the chief dated 26<sup>th</sup> July 2002 only identified 4 daughters of the deceased who are married. The inclusion of the 5<sup>th</sup> daughter by S for that reason is rejected by this court. Since the daughters are married and living at their matrimonial home and because they did not come to court to claim part of deceased estate, I will not consider them in the distribution. In the judgment of this court, parcel number *[particulars withheld]* shall be distributed as follows:-

- a. S N - 1 acre**
- b. G K - 1 acre**
- c. J M - 1 acre**
- d. The balance shall go to G N M'I for her lifetime and thereafter shall be shared equally by S N, G K and J M.**
- e. There shall be no orders as to costs.**

Dated and delivered at Meru this 2<sup>nd</sup> day of July 2010.

**MARY KASANGO**  
**JUDGE**