



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

**AT MERU**

**Succession Cause 119 of 1997**

**IN THE MATTER OF THE ESTATE OF M'RUKARIA M'IMANYARA (DECEASED)**

**PILSILA MPENDA MUGO ..... PETITIONER**

**VERSUS**

**RUTH MUKOMUNENE M'RUKARIA ..... OBJECTOR**

**RULING**

A grant in this matter was first issued to Pilsila Mpenda Mugo and Grace Makandi Rukaria. On the death of Grace, a grant was issued to Pilsila. The deceased estate consisted of three parcels of land namely *Ntima/Igoki/5591, 5588 and 5599*. There is an application dated 19<sup>th</sup> March 2010 which this ruling relates to. The application seeks the following orders:-

1. *That the orders of letters (sic) of administration issued to one Pilsila Mpenda be revoked or set aside or annulled.*
2. *That the new entries made in the register in respect of Ntima/Igoki/5588 be canceled and the same to revert into the name of M'Rukaria M'Imanyara deceased until proper distribution is made.*
3. *And/or in the alternative the court do issue inhibition orders preventing any dealings in respect of Ntima/Igoki/5588 until this application and this case is heard and determined.*

The affidavit sworn by Ruth Mukomunene, who is a sister of Pilsila, stated that parcel number 5588 was supposed to go to her sister Mary Mukongai. When the application was first argued before me in the absence of Pilsila who did not attend, I ordered the applicant Ruth to carry out an official search over parcel number 5588 and to present the search before court before any orders were made. The reason why that order was made was to enable the court to know who was the registered owner least that the court would give orders without giving an opportunity to such a party who is registered to be heard. Ruth swore a further affidavit on 10<sup>th</sup> June 2010. It is in that affidavit that Ruth elucidated on the matter before court. She stated that she and her siblings Mary Mukongari and Francis Kameme were residing on parcel number 5588. She attached an official search of that parcel of land which showed that it is now registered in the name of Pilsila. In the previous affidavit in support of the application which was sworn on 14<sup>th</sup> March 2010, there is

annexed thereon a certificate of confirmation of grant issued by this court on 15<sup>th</sup> July 2002. According to that confirmed grant, parcel number 5588 was distributed to Mary Mukongari Ncebere. There is yet another confirmed grant in this same file again showing that it was issued on 15<sup>th</sup> July 2010 where the same parcel of land number 5588 is distributed to Pilsila Mpenda Mugo. The applicant, Ruth, alleged that Pilsila had been carrying out administration of this estate without being transparent and that she had threatened to evict those who are residing on parcel number 5588. The fact that there is in existence two conflicting confirmed grant does lead credence to that allegation. I will therefore grant the prayers that are sought and I do grant the following orders:

1. ***An order is hereby made to rectify the registration of parcel number Ntima/Igoki/5588 by canceling the registration of Pilsila Mpenda Mugo and ordering that the parcel of land do revert to the name of M'Rukaria M'Imanyara deceased.***
2. ***An order of inhibition is hereby issued to be registered against parcel number Ntima/Igoki/5588 until further orders of this court.***
3. ***There shall be no orders as to costs.***
4. ***At the reading of this reading, a date will be given for parties to address the court on the distribution of parcels No. Ntima/Igoki/5588 by way of affidavit evidence.***

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

**MARY KASANGO**  
**JUDGE**