



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 242 OF 2003

**IN THE MATTER OF THE ESTATE OF M'RIMBERIA
M'IKIRIMA.....DECEASED.**

JENNIFFER MUKAMI)

REBECCA M'RIMBERIA.....)

PETITIONERS

RULING

The application is the Summons dated 28th September 2010. It has been brought by the 2nd Petitioner acting in person. It quotes no provision of the law. However it seeks orders that:-

1. That this honourable court be pleased to review its judgment dated 23rd May 2008 and order for Parcel NYAKI/CHUGU/310 to be divided equally between the two petitioners (widows) as per the current boundaries thereto.

The grounds of the application on the face of the application is as follows:-

- (1) That the judgment herein was delivered on 25th May 2008.
- (2) That the said judgment has a long of contradictions since it gives two parcel Nos. NYAKI/CHUGU/310 & 40 as belonging to the deceased. Whereas the deceased only left parcel No. Nyaki/Chugu/310.
- (3) That the same judgment is biased against the 1st defendant.

The application is also supported by an affidavit sworn by the 2nd petitioner REBECCA MWENGWA M'RIMBERIA. In brief the 1st Petitioner deposes that judgment in the Succession Cause was delivered on 23rd May 2008 stipulating the mode of distribution of the estate. The 1st petitioner urges the court to have the Deputy Registrar of this court to sign all documents of transfer as the petitioner had become uncooperative.

The application is opposed. The 1st petitioner has filed a replying affidavit in which she opposes the application. In her affidavit the 1st Petitioner deposes that the judgment in the instant cause had not been executed because it was against the wishes of the deceased and clan members. The 1st petitioner points out certain 'contradictions' in the learned judges judgment as including mention of two parcels of land when in fact deceased owned only one parcel NYAKI/CHUGU/130. She also deposes that daughters of

the deceased who she avers have been left homeless. She deposes that the judgment need to be reviewed. Indeed there is an application on record seeking a review of the learned Judgment of 23rd May 2008

Dated Signed and delivered at Meru this 19th day of November 2010

LESIIT, J

JUDGE

In the presence of the parties
Kirimi – Court Clerk.

Mr. Elijah K. Ogoti Advocate for 1st Petitioner.
2nd Petitioner in person.

LESIIT, J

JUDGE