



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (NAIROBI LAW COURTS)**

**Succession Cause 128 of 2007**

**IN THE MATTER OF THE ESTATE OF PAUL NGUGI ITUBE (DECEASED)**

**LYDIA NJERI NGUGI. ....PETITIONER**

**VERSUS**

**SAMUEL GATHIRIMU NGUGI & OTHERS .....OBJECTORS**

**RULING**

The petition in this Succession Cause relating to the estate of one Paul Ngugi Itube, deceased, was filed by his surviving wife, Lydia Njeri Ngugi on 22<sup>nd</sup> January, 2007. A notice of Objection was lodged on 16<sup>th</sup> May, 2007 by the objectors, who also later filed a Cross-Petition on 4<sup>th</sup> June, 2007. By consent of the Petitioner and objectors, Samuel Gathirimu Ngugi was appointed a co-administrator to take care of the interest of the first wife house.

The record is clear that the estate of the late Paul Ngugi Itube consists of a piece of: -

- (a) Land known as L.R. No. Githunguri/Kimathi/1580
- (b) Shares in Rioki Estate Co. Ltd numbering 612
- (c) Shares in Nyakiri Coffee Farmers in Membership Number 769, Ruiru.
- (d) Four cows left behind with the Petitioner.

It is not in dispute presently that there is an agreement and indeed an order to the effect that all the above properties except the four cows be divided equally between the deceased's two houses. The only dispute still outstanding concerns the four cows. The Petitioner avers that the cows belong to her alone while the Objectors through the second co-administrators avers that the cows should be divided.

I have carefully perused the documents on the record. I observed that the Petitioner in her original petition documents deliberately failed to disclose the full estate of the deceased. She for example did not disclose the shares in the Rioki Estate Company Ltd, nor did she disclose shares in Nyakiri Coffee Farmers Co-operative Society Ltd. In these circumstances, this court is persuaded that the Petitioner similarly deliberately failed to disclose the existence of the four cows later disclosed by the objectors.

It is accordingly the view and finding of this court that the estate of the decease Paul Ngugi Itube

included four cows which must, like the rest of the estate, be divided equally between the two Houses of the deceased.

**ORDER**

1. The estate of the deceased Paul Ngugi Itube consisting of

- a) L. R. No. Githunguri/kimathi/1580
- b) Shares in Rioki Estate Co. Ltd
- c) Shares in Nyakiri Coffee Farmers Co. Ltd.
- d) Four cows –

- shall be divided into two equal shares or portions between the two Houses of Mary Mumbi Ngugi and Lydia Njeri Ngugi.

2. Costs to be paid by the Petitioner.

Dated and delivered at Nairobi this 21st day of September, 2009.

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**D A ONYANCHA**

**JUDGE**