

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(MILIMANI LAW COURTS)

SUCCESSION CASUE 2341 OF 2000

IN THE MATTER OF THE ESTATE OF MUNGAI OLE KERIASEK

RULING

Before the court was the hearing of a summons dated 25th October, 2000 seeking annulment of grant of representation made to the Administratrix Wanjiru wa Mungai (now deceased) vide R.M. Succession Cause No.8 of 1996 Narok. I must note that the said court issued certificate of confirmation on 14th October, 1997.

On the day of hearing, neither the Objector nor his counsel was present, and I heard the case of the Administratrix in absence of the Objector.

Dr. Clement Sironka Keriasek gave evidence and produced Certificate of official search of title No. Narok/C/S – Mara/Kisiriri/60 which shows that the deceased and the Objector were holding the said property as proprietors in common with equal shares. Obviously, thus, the Objector is the owner of the half portion of the property.

According to the uncorroborated evidence of the said witness, the deceased had three wives and the Administratrix, after sharing out the half portion of the Objector, divided the remaining acres of 6.4222 acres equally amongst the three wives.

The contention of the objector that the deceased held half portion of the land in trust for him as he was minor falls flat on the face of the certificate of search which had his name as a tenant in common.

In the premises I dismiss the summons dated 25th October, 2000 with no order as to costs.

K.H. RAWAL

JUDGE

21.3.07