



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

**Succession Cause 2341 of 2000**

**IN THE MATTER OF THE ESTATE OF MUNGAI OLE KERIASEK**

**RULING**

Before the court was the hearing of a summons dated 25<sup>th</sup> 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 14<sup>th</sup> 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 25<sup>th</sup> October, 2000 with no order as to costs.

**K.H. RAWAL**

**JUDGE**

**21.3.07**