

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Succession Cause 3490 of 2004

IN THE MATTER OF THE ESTATE OF NJOROGE KAMURU – (DECEASED)

RULING

After I gave my ruling on 27th February, 2007 the parties submitted on 2nd July, 2007 that they have nothing to offer by way of comment on the affidavit sworn by James Peter Matheru, Teresia Wanjiku Ngugi and Cecilia Wanjiru Njoroge filed on 26th October, 2006 as directed by the court in the said ruling.

That left the court to really make sense of contents of paragraph 8 (b) and (c) of the said affidavit.

I direct accordingly that:-

1. Half portion of 4.75 acre be divided in equal shares amongst Grace Wanjiru Mata, Regina Wairimu and Mary Njoki.

The share of Mary Njoki be again sub-divided equally between Mary Njoki and Peter Mathenyu who shall be registered as owner thereof in trust for Mary Njoki.

2. The remaining half of the 4.75 acres be sub-divided amongst the persons mentioned in sub paragraph 8(c) in the shares shown against their respective names

3. The plot of 4.75 acres be sub-divided and surveyed as per law.

I reiterate my earlier ruling and find that James Mathenyu and Teresia Wanjiku Ngugi are directed to refund the amount of sale proceeds of Shs.400,000/- to the estate. In failure thereof their respective shares of the estate shall be held by all remaining beneficiaries in equal portion.

This is the final order of the court.

Dated and signed at Nairobi this 27th day of July, 2007.

K.H. RAWAL

JUDGE

27.7.07