



REPUBLIC OF KENYA

IN THE HIGH COURT

AT EMBU

Succession Cause 228 of 2007

IN THE MATTER OF THE ESTATE OF JASON M'MBARI

MOSES NJAGI MBARI.....PETITIONER

VERSUS

LUCAS KINYUA MBARI.....OBJECTOR

RULING

Chamber Summons dated 11/6/2007 was taken by Objector, Lucas Kinyua Mbaari seeking orders of inhibition to be registered against parcel :-

1. Karingani/Mugirirwa/140
2. Karingani/Ndagani/2330 to inhibit all dealings thereon.

The application is based the grounds that the grant was obtained fraudulently distribution has left out some beneficiaries who are entitled. The application is supported by affidavit of applicant. I have perused the application and supporting affidavit. The complainant is that Petitioner has disposed of some assets of the estate. I also see that in *S.P.M's Suit No. 50 of 1999* the grant was confirmed and distribution certified way back in November 2000.

In the circumstances I decline to grant orders sought as it would adversely affect the rights of beneficiaries before the Summons of Revocation of Grant filed on 11/6/2007 is heard and determined.

The application is dismissed.

Dated this 11th October, 2007.

J. N. KHAMIMNWA

JUDGE

11/10/2007

Khaminwa – Judge

Njue – Clerk

Parties Present both

Read in open court.

J. N. KHAMINWA

JUDGE