



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Hillon Kamau Mugo (Deceased) (Succession Cause
79 of 1994) [2025] KEHC 6994 (KLR) (20 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6994 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAKURU

SUCCESSION CAUSE 79 OF 1994

SM MOHOCHI, J

MAY 20, 2025

IN THE MATTER OF ESTATE OF HILLON KAMAU MUGO DECEASED

RULING

1. Upon considering the cumulative evidence on record the petitioner has failed to prove she was married to the deceased under the Kikuyu Customary Law.
2. Presumption of marriage is inapplicable under the circumstances and the petitioner upon failing to prove marriage under Kikuyu Customary Law could in the alternative prove marriage under the *Marriage Act* by presenting a certificate of marriage which in this instance was not.
3. This Court equally finds that the petitioner has failed to prove that Miriam Nyambura is a biological child of the deceased. The immunization card is not proof of paternity.
4. I find that the objection is without basis and merit thus I order and direct that the petitioner presents a summons for confirmation of grant with a proposed mode of distribution within the next 15 days.
5. Any party aggrieved may move to the Court of Appeal and leave of 45 days is accordingly granted.

SIGNED, DATED AND DELIVERED AT NAKURU ON THIS 20TH DAY OF MAY 2025

MOHOCHI S. M.

JUDGE

