



**In re Estate of Japhet Mwarania M'arimi alias Japhet Mwarania alias Japhet Arimi
(Deceased) (Succession Cause 460 of 2011) [2025] KEHC 5986 (KLR) (8 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 5986 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 460 OF 2011**

HM NYAGA, J

MAY 8, 2025

**IN THE MATTER OF THE ESTATE OF JAPHET MWARANIA M'ARIMI
ALIAS JAPHET MWARANIA ALIAS JAPHET ARIMI – DECEASED**

BETWEEN

JOSECK MUTHURI MWARANIA 1ST PETITIONER

JADIAH MURUNGI MWARANIA 2ND PETITIONER

AND

FLORENCE KARAMBU MWARANIA OBJECTOR

RULING

Background

1. The deceased died on 10th February 1970. His estate comprised the following assets:-
 - a. Nkuene/Taita/64
 - b. Nkuene/Nkumari/928
 - c. Nkuene/Taita/317
 - d. Nkuene/Nkumari/172
 - e. Plot No. 2 Nkubu
 - f. Plot No. 67A Nkubu
2. The Cause has had several applications and orders have been issued by this court.



3. Nothing with the one delivered on 15th February, 2024, which directed the Administrator, to apply for Confirmation of the grant by identifying the respective shares of the deceased's children, whether dead or alive, as beneficiaries.
4. It is pursuant to this order that the first Administrator, filed the summons for confirmation dated 18th April, 2024, while the 2nd Administrator filed the one dated 26th April, 2024. The court ordered that the formal be treated as a protest. The summons then proceeded to hearing through viva voce evidence.
5. It was noted by the court that the parties herein were in agreement concerning the distribution of the assets of the estate save for two properties namely:-
 - a. Nkuene/Taita/64
 - b. Nkuene/Nkumari/172
6. It is apparent that the majority of the beneficiaries have agreed in principle on how to distribute the above properties.
7. That said, I find that there is need for the said beneficiaries to avail a properly down proposal, to be compared to that availed by the 1st Petitioner. It is common knowledge that when it comes to land a qualified surveyor is the person best placed to assist on how to sub-divide land and ensure that its utilization or at the optimum level.
8. To that end, I direct the 2nd Administrator to avail the said proposal.
9. The time frame will be given upon delivery of this ruling.

DATED, SIGNED & DELIVERED AT MERU THIS 8TH DAY OF MAY, 2025.

H.M. NYAGA

JUDGE

