



**In re Estate of Solomon Arachi Kirimania (Deceased) (Succession Cause
364 of 2006) [2024] KEHC 4811 (KLR) (18 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4811 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 364 OF 2006
TW CHERERE, J
APRIL 18, 2024**

BETWEEN

ZIPPORAH GACEKE M'ARACHI APPLICANT

AND

JENNIFFER WANZA KATIVANGA RESPONDENT

RULING

1. By a ruling dated 19th October, 2023, this court directed the parties herein to agree on the distribution of the extra 1.43 acres added to Zipporah Gaceke M'Arachi's (Petitioner/Respondent) share on LR. Kiirua/naari/5759.
2. Failing to agree on its distribution, both Zipporah Gaceke M'arachi (Petitioner/Respondent) and Jenniffer Wanza Kativanga (Applicant) filed their respective affidavits sworn on 13th February, 2024 and 27th February, 2024 respectively in respect of their proposed modes of distribution.
3. By her affidavit, the Applicant proposes that the 1.43 acres be distributed to her wholly on the grounds that she got a lesser share compared to deceased's widow, the Petitioner/Respondent herein. On the other hand, the Petitioner/Respondent proposes that the 1.43 acres be shared equally between her and the Applicant.

Analysis and Determination

4. I have considered the modes of distribution filed by the parties herein. The mode of distribution proposed by the Petitioner/Respondent is supported by the other beneficiaries namely: Dorothy Kendi Nturibi, Francis Mutembei M'Arachi, Jennifer Kanana M'Arachi and Nelly Kaguri M'Arachi as evidenced by a consent filed on 19th February, 2024 in which they have waived their right in favour of the Petitioner/Respondent and the Applicant herein.



5. It is worth remembering that this estate was distributed by Gikonyo J's ruling dated 30th October, 2018 in which the Petitioner/Respondent got 8 ½ acres and Applicant got 2 ½ acres.
6. What is before the court is distribution of an extra 1.43 acres not distributed as per Gikonyo J's ruling dated 30th October, 2018. The merits of the basis on which the court distributed a larger share to the Respondent (widow) as compared to the Applicant (daughter in law) is not for determination before this court and the court therefore declines to make any determination on that issue.
7. In my considered view, the proposal by the Petitioner/Respondent is fair and just and will serve the interests of justice to all the parties.
8. It is therefore hereby ordered as follows:
 1. Inhibition on Zipporah Gaceke M'Arachi's land parcel No.LR. Kiirua/naari/5759 is hereby lifted
 2. 0.715 acres shall be excised from Zipporah Gaceke M'Arachi's land parcel No. LR. Kiirua/naari/5759 and consolidated with Jenniffer Wanza Kativanga's land parcel No. LR. Kiirua/naari/5758
 3. Mention on 12th June, 2024 to confirm compliance with orders (1) and (2) above

DELIVERED IN MERU THIS 18TH DAY OF APRIL 2024

WAMAE.T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Petitioner/Respondent -Mr. Mutwerandu for Mutwerandu Muriithi & Co. Advocates

For Applicant - Ms. Miruka for Bundi Grace & Co. Advocates

