



**In re Estate of M’ikiugu Ikiara alias M’ikiugu M’Kiara alias Stanley Kabere M’ikugu alias Stanely K Mikiungu (Deceased) (Succession Cause E010 of 2022) [2024] KEHC 7618 (KLR) (20 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7618 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE E010 OF 2022  
EM MURIITHI, J  
JUNE 20, 2024**

**IN THE MATTER OF THE ESTATE OF M’IKIUGU IKIARA ALIAS M’IKIUGU M’KIAIRA ALIAS STANLEY KABERE M’IKUGU ALIAS STANELY K MIKIUNGU (DECEASED)**

**IN THE MATTER OF  
JAMES MWENDA KABEERE ..... PETITIONER**

**RULING**

1. The deceased herein, M’ikiugu Ikiara Alias M’ikiugu M’kiara Alias Stanley Kabere M’ikugu Alias Stanely K Mikiungu died on 1<sup>st</sup> March, 2014 survived by Judith Tirindi Kabere – wife, Pheneas Kinyua Kabere – (deceased son), Florence Gacheri Kabere – daughter, Antonny Karani Kabere – son, Catherine Muthoni Kabere – (deceased daughter), Millicent Kagwiria Kabere – daughter, Jamlick Kimathi Kabere – son, James Mwenda Kabere – son and Stanley Mwiti Kabere – son.
2. The estate of the deceased comprises of L.R No. Abothuguchi/githongo/815, L.r No. Abothuguchi/githongo/4039, Plot No. C42 Section Umoja 1, Plot No. C21 Meru, KCB Shares and Kenya Airways Shares (henceforth called the estate properties).
3. In his summons for confirmation of grant dated 14/9/2023, the petitioner proposes how the estate properties ought to be distributed at paragraph f thereof.
4. The petitioner swore a further affidavit on 17/2/2024 deponing that the deceased had made several bequests to Millicent Kagwiria Kabeere, Phineas Kinyua Kabeere, Florence Karani Kabeere, Antony Karani Kabeere and Judith Tirindi Kabeere during his lifetime.

**Determination**

5. The issue for determination is how the estate properties ought to be distributed.



6. Phineas Kinyua Kabere (deceased son) is survived by Alex Mutuma - grandson, David Muriungi Kinyua - grandson, Brian Koome Kinyua – grandson and Edwin Kithinji Kabere- grandson, while Catherine Muthomi Kabere (deceased daughter) is survived by Harun Muthomi –son-in-law, Verah Mwendwa Muthomi – granddaughter, Maxwel Munene Muthomi – grandson and Willen Shaw Gitinga Muthomi – grandson.
7. The court notes that Stanley Mwiti Kabeere, James Mwenda Kabeere, Alex Mutuma Kinya, Harun Muthomi, Millicent Kagwiria Kabere, Judith Tirindi Kabere and Doris Karuru Murega attended court on 22/1/2024 and 20/3/2024 and consented to the proposed mode of distribution by the petitioner.
8. The court further notes title deeds to Abothuguchi/Githongo/3359 in the name of Judith Tirindi Kabere, Abothuguchi/Githongo/3357 in the name of Millicent Kagwiria Kabeere and Abothuguchi/Githongo/3356 in the names of Phineas Kinyua Kabere, Alex Mutuma Kinyua, David Muriungi Kinyua, Edwin Kithinji Kinyua and Koome Kinyua.
9. The court also notes the certificates of official searches for Abothuguchi/Githongo/3358 in the name of Florence Gaceri Kabeere and Abothuguchi/Githongo/1674 in the names of Antony Karani and Florence Wanjugu.
10. From the material placed before the court, this court finds that the deceased had bequeathed some of his properties to some of his children during his lifetime.

### **Orders**

11. Since the beneficiaries are in agreement with the mode of distribution proposed by the petitioner at paragraph f of his affidavit in support of the summons for confirmation of grant, this court allows the summons for confirmation of grant dated 14/9/2023 as prayed.
  1. The estate properties shall be distributed in accordance with the proposal made by the petitioner at paragraph (f) of his affidavit in support of the summons for confirmation of grant.
  2. There shall be no order as to costs.

Order accordingly.

**DATED AND DELIVERED ON THIS 20<sup>TH</sup> DAY OF JUNE 2024.**

**EDWARD M. MURIITHI**

**JUDGE**

Appearances:

Mr. James Mwenda, the Applicant in person.

