



**In re the Estate of Nahashon Githiri alias Nahashon Githiri Kimari Githiri s/o Kimari (Deceased)
(Succession Appeal E005 of 2021) [2024] KEHC 9792 (KLR) (11 July 2024) (Judgment)**

Neutral citation: [2024] KEHC 9792 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION APPEAL E005 OF 2021**

DKN MAGARE, J

JULY 11, 2024

**IN THE MATTER OF THE ESTATE OF NAHASHON GITHIRI ALIAS
NAHASHON GITHIRI KIMARI GITHIRI S/O KIMARI (DECEASED)**

BETWEEN

SIMON PETER MWANGI NAHASHON APPELLANT

AND

ANN WANJIRU KANGEE RESPONDENT

JUDGMENT

1. Judgment herein relates to distribution. The Appellant is opposing the equal distribution of his father's estate on grounds that the father had said that he gets everything in Plot No. Laikipia/Tigithi Matanya Block 5/825.
2. However, he started the case as an Intestate Succession. This means the deceased died without a will. With Intestate Succession, wishes which were expressed to a beneficiary remains that – wishes. They are phantom self serving statements with no basis in law. Even prophet Nathaniel when he was required to anoint a King he did not pick himself or his sons.
3. The Appeal herein has no basis in law and in fact. It is accordingly dismissed with costs of Kshs. 20,000/= to the Respondent payable in 45 days in default execution do issue.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 11TH DAY OF JULY, 2024.
JUDGMENT DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

KIZITO MAGARE

JUDGE

In the presence of:



Appellant present in person

Court Assistant – Jedidah

