



In re Estate of Nyangaga Okungu (Deceased)] (Miscellaneous Application 134 of 2014 & Succession Cause 201 of 2001 (Consolidated)) [2024] KEHC 9500 (KLR) (8 July 2024) (Judgment)

Neutral citation: [2024] KEHC 9500 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISII
MISCELLANEOUS APPLICATION 134 OF 2014 &
SUCCESSION CAUSE 201 OF 2001 (CONSOLIDATED)**

TA ODERA, J

JULY 8, 2024

**[CONSOLIDATED WITH KISII HCC. SUCC. NO.201 OF 2001]
COURT ANNEXED MEDIATION
IN THE MATTER OF THE ESTATE OF NYANGAGA OKUNGU**

BETWEEN

BENSON OLUOCH OTIENO PETITIONER

AND

SAMUEL OKOTH MAYOGA OBJECTOR

JUDGMENT

Based on Mediation Settlement Agreement

1. This is a succession cause in respect of the Estate of the late Nyangaga Okungu (deceased). This matter was referred to mediation by this court on its own motion 13.5.24. The parties were heard by the mediator and arrived at the following mediation settlement agreement which was filed in this court on 2. 7. 24. I proceed to quote the same. “We the undersigned parties to this action have agreed to solve our disputes/differences as follows;
 1. We have had four sessions whereby the parties have exchanged their concerns and have agreed on the points captured in the report.
 2. They have fully agreed to share the land parcel No. Kamagambo/Kabuoro/256 measuring 4.6 Ha into two equal portions 2.3 Ha each.
 3. The interested party (buyers) will be served by the petitioner/respondent depending on the sale agreement and which side of the land he/she finds himself.



4. Sub-division of the land to be done vertically from the tarmac road, from Rongo to Riosiri downwards to the homes.
5. Each party will share the portion of land allocated to him during sub vision with his siblings.
6. The Petitioner to occupy the right side of the land and the respondent on the left side as you face the parcel of land from the road, from Rongo to Riosiri downwards to their homes.
7. The government surveyor will conduct the survey exercise immediately and his fee will be shared equally with the petitioner/Respondent.
8. I return the matter back to the court to have the report adopted as the parties have fully agreed to settle the case.

Signed by Petitioner Samwel Okoth Mayora I/D No. 108XXX13 on 2.7.24

Benson Oluoch I/D No. 219XXXX34 on 2.7.24

2. I have carefully considered the mediation settlement agreement dated 2.7.24, the same fully settles the dispute herein. I proceed to adopt the said agreement as a Judgment of this court. Administration be completed within 90 days from today. File is closed.

T.A ODERA

JUDGE

8.7.24

Delivered Virtually Via Teams platform in the presence of:

Court Assistant - Oigo

Omwega - Present for the Respondent/Petitioner

