



REPUBLIC OF KENYA



**In re Kiumbia M'mukira alias Kiumba M'riria (Deceased) (Succession Cause 512 of 2013) [2023] KEHC 785 (KLR) (9 February 2023) (Ruling)**

Neutral citation: [2023] KEHC 785 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
SUCCESSION CAUSE 512 OF 2013**

**TW CHERERE, J**

**FEBRUARY 9, 2023**

**N THE MATTER OF THE ESTATE OF KIUMBIA  
M'MUKIRA ALIAS KIUMBA M'RIRIA (DECEASED)**

**BETWEEN**

**JOSEPH KINOTI M'MUKIRA ..... APPLICANT**

**AND**

**ROSALIA NKATHA MUKIRA ..... PETITIONER**

**RULING**

1. By a ruling dated March 10, 2021, this court granted the following orders:
  - a. Applicant is granted leave to appeal the ruling of March 4, 2021
  - b. In order to preserve the subject matter, it is hereby ordered that the beneficiaries shall upon distribution of the estate take possession but shall neither offer for sale, sell, dispose off, transfer, charge or deal with their respective shares in any adverse manner until the intended appeal is heard and determined or until any or further orders of the court.
  - c. Costs shall abide the outcome of the appeal.
2. The search certificates annexed to applicant's affidavit sworn on December 21, 2022 in support of his application for inhibition dated December 21, 2023 reveal that the administrator is yet to complete transmission of the estate to the beneficiaries.
3. An order of inhibition will not only delay the transmission but will also have the effect of negating the court order issued on March 10, 2021 that the estate be distributed as ordered by the court.
4. Consequently, the summons dated December 21, 2023 is considered and found to have no merit and it is disallowed.



**DATED AT MERU THIS 09<sup>TH</sup> DAY OF FEBRUARY 2023**

**T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Ringera for Gatari Ringera & Co. Advocates

For Respondent - Mr. Riungu for A.G.Riungu & Co. Advocates

