



In re Estate of Nahashon M'Mwongo (Deceased) (Succession Cause 401 of 2013) [2023] KEHC 2336 (KLR) (16 March 2023) (Ruling)

Neutral citation: [2023] KEHC 2336 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 401 OF 2013
TW CHERERE, J
MARCH 16, 2023**

**ESTATE OF THE NAHASHON M'MWONGO ALIAS NAHASHON MWONGO (DECEASED)
IN THE MATTER OF APPLICATION FOR PROVISION**

BETWEEN

ANDREW GIKUNDA RAIKANYA APPLICANT

AND

POLLY KANYUA ADMINISTRATOR

RULING

1. By an order dated May 24, 2022, this court directed that deceased's estate in LR. Nyaki/Mulathankari/154 be distributed equally to the children of the deceased.
2. Subsequently, a Certificate of Confirmation of Grant was issued on June 23, 2022 distributing the estate as directed and in the case of deceased children to their family members.
3. By summons dated January 9, 2023 supported by an affidavit sworn by Andrew Gikunda Raikanya (applicant) on even date, Applicant avers that he is son of Julius Raikanya (deceased) one of the sons of the deceased. He complains that he was not provided for from the provision of his father Julius Raikanya (deceased).
4. By her response filed on February 24, 2023, respondent concedes that applicant is son of Julius Raikanya (deceased) and ought to be provided for from the provision of his deceased father.
5. I have considered the summons in the light of the affidavits on record and submissions filed on behalf of the parties and I am persuaded that by her application dated March 1, 2022, respondent misled the court by excluding the name of the applicant from the list of the children of Julius Raikanya (deceased) who was a beneficiary of deceased's estate.



6. Consequently, I am satisfied that the summons dated and filed on January 9, 2023 has merit and it hereby ordered That:
 1. Title numbers 4764, 4765, 4766, 4767, 4768, 4769 and 4770 arising out of subdivision of LR. Nyaki/Mulathankari are hereby cancelled
 2. Certificate of Confirmation of Grant issued on June 23, 2022 shall be rectified by distributing deceased's estate in LR. Nyaki/Mulathankari/154 equally to deceased's children as follows:
 - a. 1/7 to Angelina Nkirote Mungania
 - b. 1/7 to the estate of Julius Raikanya (deceased)
 - c. 1/7 to the estate of Miriam Mukuba (deceased)
 - d. 1/7 to Josephine Mwari Nyaga
 - e. 1/7 to the estate of George Mbajo (deceased)
 - f. 1/7 to the estate of Rose Nthama (deceased)
 3. Each party shall bear its own costs of this summons
 4. Mention on July 13, 2023 to confirm distribution and for further orders

DATED AT MERU THIS 16TH DAY OF MARCH 2023

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Kimathi for Mutembei & Kimathi & Co. Advocate

For Administrator/Respondent - Present in person

