



In re Estate of Elizabeth Wambui Wainaina (Deceased) (Succession Cause 830 of 1997) [2023] KEHC 19672 (KLR) (Family) (23 June 2023) (Ruling)

Neutral citation: [2023] KEHC 19672 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY**

SUCCESSION CAUSE 830 OF 1997

MA ODERO, J

JUNE 23, 2023

IN THE MATTER OF THE ESTATE OF ELIZABETH WAMBUI WAINAINA (DECEASED)

BETWEEN

FRANCIS KIMANI WAINAINA APPLICANT

AND

LAND REGISTRAR KIAMBU 1ST RESPONDENT

LAND COUNTY SURVEYOR KIAMBU 2ND RESPONDENT

ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. I have considered the Notice of Motion dated August 24, 2021, I note that the Applicant is claiming a 1/3rd share in LR No Karai/Karai/77. This parcel of land was jointly owned by the Deceased and the following persons:-
 - (1) Mwaura Wanaina A
 - (2) Mwaura Wanaina B
 - (3) Gathoni Wanaina
 - (4) Elizabeth Wambui Wanaina (the Deceased in this Succession Cause)
2. The Applicant claims that the original Title Deed is missing and he is unable to trace the Co-owners who are Deceased. Even if that is the case the Applicant ought to be able to trace the heirs of the estates of the Co-owners who should come to court to indicate whether they have any objection to the



application. The local Chief has not been contacted to tell the court what efforts if any have been made to trace the family of the three (3) deceased Co-owners.

3. Finally, I find no merit in the application dated August 24, 2021. The same is hereby dismissed in its entirety. No orders on costs.

RULING DELIVERED VIRTUALLY IN NAIROBI THIS 23RD DAY OF JUNE, 2023.

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MAUREEN A. ODERO

JUDGE

In the presence of:

Mr. Maina for Applicants

