



**In re Estate of Benard Mwaura Kariuki (Succession Cause
164 of 2010) [2024] KEHC 13713 (KLR) (5 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13713 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 164 OF 2010
HM NYAGA, J
NOVEMBER 5, 2024
IN THE MATTER OF ESTATE OF BENARD MWAURA KARIUKI**

BETWEEN

MWAURA JAMES MURITHI APPLICANT

AND

LUCY WAMBUI MWAURA OBJECTOR

RULING

1. On 20/9/2023, I had delivered a ruling in which I had asked the parties to try and come to an agreement on how to distribute the estate herein.
2. The Co-Petitioner/Applicant filed a proposed mode of distribution on 24.11.2023, for which the Co-administrator responded.
3. It is apparent that there is agreement on the mode of distribution and the following properties: -
 - a. Shares held at Cosmopolitan Sacco.
 - b. Shares held at Teachers Sacco
 - c. Savings at NSSF
 - d. Pension (unspecified)
 - e. Molo farm (Details not provided)
4. I therefore, order that the above property be distributed as proposed.
5. As regards plot no. 1456 and plot No. 1457, Elburgon, it was averred by Lucy Wambui, the Co-Administrator that the same were repossessed by the Council and are no longer available for distribution. No evidence was tendered to place the court in a better position to make an informed



decision. In the circumstances, it is difficult to confirm the said property. Once the parties have established ownership they can come back to court.

6. For shares held at Equity Bank Ltd and Safaricom Ltd, I believe that there is also need to ascertain ownership since there was no documentation provided. However, there are only 2 scenarios there are shares or there aren't. The parties can move to ascertain their existence and if they exist then they will be sold and shared equally among all the beneficiaries.
7. In conclusion, I allow partial confirmation of the grant for the aforesaid property.
8. The parties are at liberty to move the court once full details of the remaining property are obtained.
Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MERU THIS 5TH DAY OF NOV 2024.

H. M. NYAGA

JUDGE

