



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**FAMILY DIVISION**

**SUCCESSION CAUSE NO. 573 OF 2003**

**IN THE ESTATE OF GERALD KIRAGU GATHERU (DECEASED)**

**ESTHER WARUKIRA MINJIRE Alias**

**ESTHER WARUKIRA KIRAGU .....APPLICANT**

**VERSUS**

**FRANCIAH NJOKI MWANGI.....RESPONDENT**

**R U L I N G**

1. This ruling is in furtherance of an earlier ruling that was delivered on the 22<sup>nd</sup> of November, 2018.
2. The Applicant and the Respondent have in line with the said ruling placed before court the receipts for the hospital bill and an explanation by the Applicant, who admits having received Kshs.155,000/= from Mwalimu Sacco on what she did with the funds. The applicant explains that she expended the sums on her three children with the deceased.
3. Based on the above, the court now directs the Public Trustee to distribute the sum of Kshs.882,892.30 being the remainder of the estate to the two widows and four children left by the deceased in equal shares after considering:
  - a. Refund of Kshs.95,832, to the Respondent **Franciah Njoki Mwangi** being the amount of hospital bill she paid on account of the deceased.
  - b. Taking into account Kshs.155,000/= paid the Applicant **Esther Warukira Kiragu** by Mwalimu Sacco and which amount should be deducted equally from the share payable to the applicant and her 3 children (in equal shares).
4. Each party to meet their costs.

**Dated and Delivered in Nairobi on this 2<sup>ND</sup> day of JULY, 2020**

.....

**ALI-ARONI**

**JUDGE**