

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

FAMILY DIVISION

SUCCESSION CAUSE NO. 1541 OF 2014

IN THE MATTER OF THE ESTATE OF GODWIN PERMINAHS MUGWERE (DECEASED)

LUCY NJERI MUGWERE.....APPLICANT

R U L I N G

1. The application dated 25th February, 2020 seeks for 2 substantive orders: -

- A true account of the proceeds of sale for L.R. No. 32/325.

- That the court do order the District Surveyor, Kajiado North District to undertake the survey of **Title No. Ngong/Ngong/2078**.

2. The applicant's concern is that though she is a co-administrator she has been kept in the dark by the Law from that represented the estate in the sale, secondly the said law first has failed to comply with court's directive to have the properties subdivided and distributed within 90 days from the date of the said order.

3. As it were court orders are not issued in vain. The order being referred to by the applicant was issued in the presence of all parties on the 1st of August, 2019. The matter should have been concluded by end of October, 2019.

4. A further order was issued on 23rd October, 2019 including the involvement of a government surveyor since parties could not agree on a joint surveyor.

5. It appears that since January 2020 when the court issued the last order there has been no progress which necessitated the current application which to-date stands unopposed.

6. It is not lost to court that the grant herein was confirmed on 3rd of October, 2017 and the administrators ought by now to have distributed the assets.

7. Clearly the beneficiaries are entangled in a tussle in the management of the estate and it is time that distribution was done to enable each one of them manage their affairs.

8. I find the prayers reasonable and necessary and I therefore order to bring a closure to the matter and in the absence of any opposition prayers 2 & 3 of the application are hereby granted with costs to the applicant.

DATED, SIGNED and DELIVERED at NAIROBI this 15TH DAY OF OCTOBER, 2020.

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ALI-ARONI

JUDGE