



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

CIVIL SUIT NO. 16 OF 2015 (OS)

IN THE MATTER OF AN APPLICATION BY THE LEGAL REPRESENTATIVES OF THE LATE NDIRUI KIMANI

IN RESPECT OF PLOT NO. 14 WANGIGE MARKET

AND

IN THE MATTER OF THE PARTNERSHIP BETWEEN NDIRUI KIMANI AND ERNEST BACHA (BOTH DECEASED)

BETWEEN

EDWARD KINYANJUI NDIRUI.....1ST PLAINTIFF/APPLICANT

**GEORGE MUCHAI NDIRUI (being the legal representative of the
late Kimani Ndirui).....2ND PLAINTIFF/APPLICANT**

AND

**JAMES KARIKO BACHA the representative and trustee of the estate
of the late Ernest Bacha..... RESPONDENT**

JUDGMENT

1. The uncontroverted evidence is that plot No. 14 at Wangige Market was owned by the partnership of the deceased Ndirui Kimani and the deceased Ernest Bacha. The estate of the deceased Ndirui Kimani is represented by the applicants Edward Kinyanjui Ndirui and George Muchai Ndirui. The estate of the deceased Ernest Bacha is represented by the respondent James Kariko Bacha.
2. In the present originating summons dated 4th December 2015, the applicants sought a declaration to dissolve the partnership and for the plot to be sold and the proceeds equally shared by the beneficiaries of the two deceased persons.
3. The respondent supported the application.
4. I allow the originating summons, and order the dissolution of the partnership that existed between the two deceased persons. I order that the sole property of the partnership (Plot No. 14 Wangige Market) shall be sold and the proceeds shared equally between the beneficiaries of the two deceased persons' estates.
5. Until the sale is done, the proceeds of the rents over the property shall be shared equally between the two estates who shall share them equally to the respective beneficiaries.
6. I make no order as to costs.

DATED and DELIVERED electronically at NAIROBI this 3RD day of NOVEMBER 2020.

A.O. MUCHELULE

JUDGE