



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

(FAMILY DIVISION)

SUCCESSION CAUSE NO 856 OF 2006

IN THE MATTER OF THE ESTATE OF JAMES KAMAU KAMARU (DECEASED)

REUBEN KAMAU KAMARU.....APPLICANT

R U L I N G

1. The application before court is dated 20th December, 2018 by **Reuben Kamau Kamaru** who seeks to rectify the grant such that:

- a. Property Dagoretti/Kangemi/T.646 be available to the estate only by ½ portion.**
- b. The name of the deceased administratrix be corrected from Teresiah Wangui Kimani to Teresia Wangui Kamau;**
- c. That all the shares named in the grant do vest in Reuben Kamau Kamaru.**

2. The application is based on grounds that:

- a. The deceased only owned half of Dagoretti/Kangemi/T.464;**
- b. Beatrice Wambui Kamau, Lucy Wanjiru Kamau and Paul Irungu Kamaru are now deceased and with the consent of their dependants and other beneficiaries of their deceased siblings the applicant wishes to hold their in trust to divide amongst the said dependants in future.**

3. The application is supported by the affidavit of the Applicant

Wherein he has reiterated the above-mentioned grounds.

4. However, the Applicant did not annex proof that the named beneficiaries are indeed deceased. Secondly, he did not give details of how many children his siblings left behind and whether all of them are agreeable to his proposal. Importantly also is whether those who signed had authority to do so on behalf of others.

5. Thirdly, nothing much was said of the dependants of Paul Irungu Kamaru.

6. Fourthly, the Applicant did not demonstrate to the court the need for him to hold the interest in trust other than the same going to directly to the rightful owners..

7. For the above reasons the application is declined.

Dated and Delivered in Nairobi on this 4th day of April, 2019

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ALI-ARONI

JUDGE