



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITALE

SUCCESSION CAUSE NO. 286 OF 2014

IN THE MATTER OF THE ESTATE OF ERNEST WAKHUNGO MAKHANU (DECEASED)

MARTIN WAKHUNGU.....APPLICANT

AND

FRIDAH NALIAKA WAKHUNGU.....1ST PETITIONER/RESPONDENT

GETRUDE NASIKE WAKHUNGO.....2ND PETITIONER/RESPONDENT

RULING

1. The applicant herein **Martin Wakhungu** is a beneficiary to the estate of the late **Ernest Wakhungo Makhanu**, the deceased herein. The Respondents are the Administrators of the said estate.
2. The deceased left behind Land parcel **No. Trans Nzoia/Mito Mbili/63** measuring 5.4 Ha or thereabouts. The grant was confirmed on 27th October 2016 and the two Administrators who are the deceased widows are to hold the land in trust for the beneficiaries.
3. In his application dated 26th January 2018, the Applicant prays that he be given his portion as he was now an adult and that all along he has never utilised the land. According to him he is entitled to 1 acre out of the land.
4. By their replying affidavit which was endorsed by the rest of the beneficiaries the Administrators are not opposed to his application save that the portion due to each beneficiary would be 0.8 acres and not 1 acre as claimed by the Applicant. That the land measures 13.5 acres in total.
5. In view of the fact that the Applicant is an adult and is a beneficiary to the estate, it is hereby ordered that **0.8 acres** be hived out of **Trans Nzoia/Mito Mbili/63** and transferred to the Applicant **Martin Wakhungu**.
6. The remainder of the portion as prayed by the beneficiaries shall remain in the names of the Administrators, namely **Fridah Naliaka Wakhungu** and **Getrunder Nasike Wakhungo**.
7. The Applicant shall meet the costs of exercising or having the 0.8 acres and subsequent transmission to his name.
8. Costs in the cause.

Delivered, signed and dated at Kitale this 3rd day of April 2019.

H.K. CHEMITEI

JUDGE

3/04/19

In the presence of:

Munialo for the Petitioners

Barongo for Kigen

Martin Wakhungu – Applicant present

Court Assistant – Kirong

Judgment read in open court.