



**REPUBLIC OF KENYA**

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

**FAMILY DIVISION**

**SUCCESSOR CAUSE NO. 2611 OF 2013**

**IN THE MATTER OF THE ESTATE OF FRANCIS IRUNGU MAINA (DECEASED)**

**R U L I N G**

1. By a ruling dated 20<sup>th</sup> December, 2018 this court directed the area Chief of the locality of the parties to appear before court and shade more light to the pending issue.
2. On the 19<sup>th</sup> of February 2019 Senior Chief of Makena Division Mbere South sub-county one Charles Muriuki appeared before court and informed the court that he is known to the parties and was conversant with the issues before court. As regards Sixtus Ndung'u one of the beneficiaries, he was of the view that the said person was aware of the matter before court and the distribution of his brother's estate but he is of a different opinion as to how the estate should have been dealt with, though he declines to disclose his names. He further described the beneficiary as a person of sound mind but stubborn.
3. Having considered the application and the surrounding circumstances I am inclined not to grant the application dated 8<sup>th</sup> February, 2018. The same is dismissed.
4. The administrators herein are consequently directed to hold properties and/or income due to sixtus Ndungu Maina in trust until such a time when he or his representatives and/or administrators(s) will be in a position to collect and/or take charge of the same.

**Dated, signed and Delivered in Nairobi this 9<sup>th</sup> day of May 2019.**

.....

**ALI-ARONI**

**JUDGE**