

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO.286 OF 2011

**IN THE MATTER OF THE ESTATE OF FRANCIS M'IKIRIA ALIAS KIARA KIMOTHO ALIAS M' IKIARA KIMOTHO
(DECEASED)**

TERETHINA NCHENGE M'IKIARA...PETITIONER/ RESPONDENT

VS

ANICIA KAJIJO M'IKIARA.....OBJECTOR/APPLICANT

RULING

1. Application dated 5th February 2019 came under Certificate of Urgency seeking that the court issues orders of inhibition, inhibiting any dispositions, transactions, transfers or any dealings of any nature in Registration for LR Abothuguchi/U-Kaongo/270 and Abothuguchi/Igane/184 until the application herein is determined.
2. Other parcels referred to resulting from sub-division of LR Abothuguchi/Igane/184 namely LR 2817, 2820, 2814, 2815, 2816, 2818, 2819, 2821 and 2811. In the names of Edward Nyamu M'Ikiara, Anjerica Ncekei Muraigiri and Terethina Nchenge M'Ikiara were sought to be inhibited.
3. The application is supported by the grounds on the face of the application among which are that while application by objector dated 18th May 2018 was pending the petitioner/Respondent proceeded to transfer LR Abothuguchi/U-Kaongo/270 to herself and subdivided LR Abothuguchi/Igane/184 into several portions and transfer land to herself and other persons in terms of an irregularity and fraudulently obtained rectified certificate of confirmation of Grant which has now been annulled.
4. It was argued that the subdivisions and transfers effected by petitioner did not conform to the original certificate of confirmation made on 11th November 2014 and 12th August 2015. The affidavit of Anicia Kajijo M'Ikiara sworn on 5th February 2019 also supported the application.
5. I have considered the application before this court and the grounds and affidavit in support as well as the Reply of affidavit and find that the ruling of this court delivered on 22nd November 2018 sufficiently redresses the prayers made to this court. The applicant should find her answers in that ruling. Her application was fully adjudicated upon and the same is dismissed with costs to the Respondents.

HON A. ONG'INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED IN COURT ON 13TH DAY OF JUNE 2019.

In the presence of :

C/A: Kinoti

Mr Ngugi holding brief for Murango Mwenda for Respondent.

Mr Muchiri holding brief for Mithega for applicants.

HON A. ONG'INJO

JUDGE