



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO.6 OF 2007

IN THE MATTER OF THE ESTATE OF JULIUS MUTHOMI RINGERA – DECEASED

JANET NKIROTE MUTHOMI.....1ST ADMINISTRATIX

VERSUS

ANN KAIRUTHI RUTERE.....2ND ADMINISTRATIX

DAVID KIRIMI RINGERA.....2ND OBJECTOR

JUDGMENT ON DISTRIBUTION

1. On 21st February 2019, this court made judgment and directed that the two administratix do file a valuation within 45 days. It also directed that they do file an affidavit setting out their respective homes.

2. When they failed to agree on a single valuation within the specified time or at all, on 8th April 2019 the court directed that each administratix do file own valuation report. The 1st administratix ignored those directions and only the 2nd administratix filed her's. In this regard, the distribution will be based on the valuation report by Roma Valuers, Environmental & Property Consultants Ltd that was filed and is on record.

3. According to the valuation, the properties were valued as follows: -

- a) **KIIRUA/KIIRUA/NKANDO/1303**, 2acres- Ksh. 1,912,500/
- b) **KIIRUA/KIIRUA/NKANDO/4527**, 1acre - Kshs. 1,365,000/
- c) **RUIRU/RWARERA/93**, 2 acres - Kshs. 1,600,000/
- d) **SEGERA/SEGERA BLOCK 2/300**, 2 acres – Kshs. 400,000/

SHARES

- a) KCB 366 shares - Kshs. 15,152/
- b) CO-OPERATIVE BANK 50 shares - Kshs. 786/
- c) KENYA AIRWAYS 1000 shares - Ksh 7550/
- d) MUMIAS SUGAR COMPANY 1500 - Nil

DEATH GRATUITY

The administrators did not inquire from the employer of the deceased whether there was any gratuity remaining or it had already been paid to the next of kin. Supposing that there is any remaining, the court will distribute the same equally to all the beneficiaries.

4. As held in the judgment, since the deceased was polygamous, the estate is to be distributed under *section 40 of the Law of Succession Act*. There were 7 units which were identified. Considering the extent and value of the estate, the same will be distributed as follows: -

1. LR NO. KIIRUA/NKANDO/1303

Janet Nkirote Muthomi

Kelvin Mwirigi Muthomi

Edwin Mugambi Muthomi

Yvonne Gacheri Muthomi

Ian Mutuma Muthomi - In equal shares

2. LR NO. KIIRUA/NKANDO/ 4527

Anne Kairuthi Rutere

Fellistus Gacheri

3. LR NO. RUIRI/RWARERA/93

Janet Nkirote Muthomi

Kelvin Mwirigi Muthomi

Edwin Mugambi Muthomi

Yvonne Gacheri Muthomi

Ian Mutuma Muthomi - In equal shares

4. SEGERA SEGERA BLOCK 2/300 P. NO. 399

Janet Nkirote Muthomi

Kelvin Mwirigi Muthomi

Edwin Mugambi Muthomi

Yvonne Gacheri Muthomi

Ian Mutuma Muthomi - In equal shares

5. SHARES

366 KCB SHARES

50 CO-OPERATIVE SHARES

1000 KENYA AIRWAYS

1500 MUMIAS SHARES

Anne Kairuthi Rutere

Fellistus Gacheri - In equal shares

6. GRATUITY

Janet Nkirote Muthomi

Kelvin Mwirigi Muthomi

Edwin Mugambi Muthomi

Yvonne Gacheri Muthomi

Ian Mutuma Muthomi

Anne Kairuthi Rutere

Fellistus Gacheri - Equally

There will be no order as to costs.

DATED and DELIVERED at Meru this 19th day of September, 2019.

A. MABEYA

JUDGE