



REPUBLIC OF KENYA

IN THE HIGH COURT

AT NANYUKI

SUCCESSION CAUSE NO 41 OF 2015

(IN THE MATTER OF THE ESTATE OF REUBEN MUNA, DECEASED)

J U D G M E N T

1. The Deceased in this estate, **REUBEN MUNA**, died intestate on 21/07/2011. He was survived by his wife, **JULIETAH MUMBI MUNA**, and seven (7) children (all adults) as follows:-

i. TERESA WAITHIEGENI MUNA

ii. NANCY NYAGUTHII KIBURI

iii. JANE WAMBUI WAHOME

iv. SIMON MAINA MUNA

v. ESTHER WANJIRU MUNA

vi. EUNICE NYAKINYUA MAINA

vii. PAUL WAHOME MUNA

2. The Deceased's estate comprises one parcel of land, **L.R. NANYUKI/SOUTH TIMAU BLOCK 1/291** that measures approximately **1.15 Ha (2.84 Acres)**.

3. On 30/05/2016 a **grant of letters of administration intestate** in respect to the Deceased's estate was made and issued to his widow, the aforesaid Julietah Mumbi Muna. By a **summons dated 29/09/2016** she applied for confirmation of that grant. In her affidavit sworn in support of that application she proposed that she be registered the absolute owner of the land comprising the estate. This was as clarified in her supplementary affidavit filed in court on 16/07/2018.

4. The seven children of the Deceased made representations in court. All except one agreed that their mother should be registered as absolute proprietor of the land comprising the estate of the Deceased. The dissenting voice was that of the eldest child, Teresa Waitthiegeni Muna. She stated that there was about half-an-acre of the land that had already been given to her by the Deceased and the Administrator, and she wanted that. Most of her siblings had no objection to this. Teresa is of course entitled to a portion of her father's estate, just as all her siblings would be entitled if they had not, as it were, renounced their inheritance in favour of their mother.

5. That being how matters stand, the court will confirm the grant as sought. Distribution of the Deceased's estate (which comprises L.R. NANYUKI/SOUTH TIMAU BLOCK 1/291) shall be as follows:-

i. JULIETAH MUMBI MUNA: 2.34 ACRES Absolutely

ii. TERESA WAITHIEGENI MUNA: 0.50 ACRES Absolutely

It is so ordered.

DATED AND SIGNED AT NANYUKI THIS 16TH DAY OF OCTOBER 2019

H P G WAWERU

JUDGE

DELIVERED AT NANYUKI THIS 17TH DAY OF OCTOBER 2019