



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

(FAMILY DIVISION)

SUCCESSION CAUSE NO 1957 OF 1998

IN THE MATTER OF THE ESTATE OF SAMUEL MBURU KAHURA aka MBURU KAHURA (DECEASED)

NELLIE MUTHONI MBURU

ROBINSON KAHURA MBURU.....APPLICANTS

R U L I N G

1. The application subject of this ruling is dated 19th December 2018. The same seeks for partial distribution of the estate so as to allow the administrators urgently dispose of one of the property they claim the deceased was on the verge of selling before his demise.
 2. In the affidavit in support sworn by **Nellie Muthoni** and **Robinson Kahura** they state that monies are needed to cater for medical needs of elderly beneficiaries.
 3. This court was first moved on the 30th of September 1998 the deceased Samuel Kahura alia Mbura Kahura having died on the 7th of February 1996. The was grant issued on 1st December 1998; 21 years ago.
 4. The said grant was challenged by the widow Nellie Muthoni Mburu who was successful and the said grant nullified. She was then appointed together with one Robinson Kahura Mburu as administrators by a consent order dated 8th March 2004; 15 years back.
 5. On the same date 8th March 2004 by consent of the parties the two administrators were to meet in order to discuss the mode of distribution.
 6. An application for confirmation was filed on the 20th of June, 2005 wherein thirty properties were listed for purposes of distribution. In the proposed distribution the property subject matter was to go partially to minor children of the deceased, however the matter stalled as no proof of ownership was filed.
- On the 6th of October 2004 the court directed parties to provide valuation reports and searches for the properties.
7. To date the court order of the 6th of October 2004 has not been complied with. The said order remains binding on all parties and as relevant as it was 15 years ago.
 8. Further no reason has been placed before court for non-compliance, nor proof of illness as alleged.
 9. For the above reason the partial confirmation is declined as no basis has been laid for the same.
 10. Parties are directed to obtain the relevant searches and valuation of the properties within 45 days of the date hereof.
 11. A mention date be fixed to inform court of the outcome within 45 days.

Dated and Delivered in Nairobi on this 14TH day of NOVEMBER 2019.

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ALI-ARONI

JUDGE