



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BUSIA

PROBATE & ADMINISTRATION NO. 254 OF 2011

IN THE ESTATE OF: MURINDA JANGAYO.....DECEASED

BETWEEN

JOSEPH MUBASA MURINDA.....PETITIONER/ APPLICANT

AND

PETER MALOBA MURINDA.....RESPONDENT

RULING

1. The application dated 27th February 2017 is seeking for the confirmation of the grant issued on 22nd February 1995.
2. The application is premised on ground that the issues raised in objection to the grant have been settled.
3. The application was opposed on ground that the proposed distribution was skewed in favour of the applicant.
4. Upon my perusal of the record, I have noted that Tuiyot J. in a ruling delivered on 23rd January 2014 had settled the issue of distribution at paragraph 11 as follows:

The estate land ought to be divided as follows:

- a. Obonyo – 1 acre
- b. The petitioner – 1¹/₂ acres
- c. The objector- 2¹/₂ acres

What this means is that the petitioner applicant is introducing amendments to the order of the court.

I am not surprised for the court then, had remarked that he cannot be trusted.

5. I am therefore, confirming the grant in terms of the ruling of Tuiyot J which was delivered on 23rd January 2014. In the ruling, the petitioner and the respondent were appointed co-administrators. The two co-administrators are given 3 months within which to ensure the estate has been transferred to the beneficiaries.

DELIVERED and SIGNED at Busia this 10th Day of December, 2019.

KIARIE WAWERU KIARIE

JUDGE