



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
SUCCESSION CAUSE NO. 155 OF 1992
IN THE MATTER OF THE ESTATE OF THE MUGWIRI
KIRAGU Alias J.MUTWIRI MUGUONGO – DECEASED
ZAVERIO KABURU KIRAGU.....PETITIONER
VS
FLORA KARIMI MIRIGO.....OBJECTOR

RULING

The deceased Mugwiri Kiragu alias Mutwiri Muguongo died on 6th August 1983. Zaverio Kaburu Kiragu petitioned for Letters of Administration to the estate of the deceased on 4th September 1992 with the consent of Kaaria Kirago Peter. From the Chief of Mitine Location in Kinoro the deceased was survived by

- Zaverio Kaburu Kirago
- Kaaria Kirago Peter
- Flora Karimi Kirigo

The net intestate estate is made up of:-

- Shares with Igoji House Investment – Kshs 2,519
- Land Title No. Igoji/Kinoro/694 4.8 ha.

Applications pending before this court are dated 22nd August 2017 and 30th August 2017 seeking stay of orders made in Ruling of the court delivered on 8th June 2017 distributing the estate herein among the beneficiaries equally.

The 2nd Application dated 22nd August 2017 seeks that the petitioner Zaverio Kaburu Kiragu be removed as Administrator to the estate to enable execution of grant. It is averred in supporting affidavit that the 1st Administrator Zaverio has refused to cooperate with the 2nd Administrator to sign transmission forms and had also refused to contribute survey fees; further he had stopped from entering land to execute the subdivisions.

I have looked at the application dated 30.8.2017. The applicant seeks stay of execution pending hearing and determination of appeal. There is nothing to show an appeal has been lodged. This applicant has not

satisfied the court he is going to suffer substantial loss if the equal distribution of the estate among the beneficiaries is executed;

The applicant has not offered any security for costs. I do find the application is not merited. I do hereby order that the applicant herein complies with court orders to distribution of the estate by signing transmission forms and facilitate the survey, subdivision within 30 days from date of this ruling failing which his co-administrator will be allowed to go ahead and take necessary to steps to execute the court order with assistance of the OCS of the nearest police station.

Application dated 22.8.2017 is allowed with costs. Application dated 30.8.2017 is not allowed. Costs to the Respondents.

HON. A.ONG'INJO

JUDGE

Ruling Signed, Delivered and Dated this 4th Day of MAY 2018.

HON. A.ONG'INJO

JUDGE

In the presence of:

C/A: Penina

Mr Kaimenyi Advocate holding brief for Kimathi Kiara Advocate for Objector.

Mr Nyenyire Advocate holding brief for Mr Kirima Advocate for Petitioner.

HON. A.ONG'INJO

JUDGE