



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERUGOYA

SUCCESSION CAUSE NO 396 OF 2014

IN THE ESTATE OF THE LATE MBITI NJAGIDECEASED

BETWEEN

GRACE WAKABARI MBITI.....PETITIONER/APPLICANT

RULING

Grant of letters of administration of the estate of Mbiti Njagi was issued to Grace Wakabari Mbiti on 09/12/2011 but was later revoked since some beneficiaries and properties had been left out. The deceased was survived by the following dependants:

- a) Grace Wakabari Mbiti – wife
- b) Dennis Mwai Mbiti – son
- c) Peterson Muriuki Mbiti – son
- d) James Njoka Mbiti – son
- e) Joseph Nyaga Mbiti - son
- f) Lucy Wangari Miano – daughter
- g) Millicent Wakaria Muriithi – daughter
- h) Damaris Michere Ndegwa – daughter
- i) Faith Wangithi Mbiti – daughter
- j) Irene Wawira Wamai – daughter
- k) Janeffer Wambui Karatu – daughter

The administrator has now filed an application for confirmation of grant dated 05/02/2015 and proposed the distribution of the estate to be as follows:

	PROPERTY	NAME	SHARE
1.	Inoi/Kimandi/658 1. acres	-Grace Wakabari Mbiti, -Lucy Wangari Miano,	Shared jointly

	1.0 acres	-Millicent Wakaria Muriithi, -Damaris Michere Ndegwa, -Faith Wangithi Mbiti, -Irene Wawira Wamai and - Janeffer Wambui Karatu. -Grace Wakabari Mbiti -Dennis Mwai Mbiti, -Peterson Muriuki Mbiti, -James Njoka Mbiti and -Joseph Nyaga Mbiti	Shared jointly
2.	Inoi/Kimandi/659	Dennis Mwai Mbiti	Whole share
3.	Inoi/Kimandi/ 6660	Peterson Muriuki Mbiti	Whole share
4.	Inoi/Kimandi/661	James Njoka Mbiti	Whole share
5.	Inoi/Kimandi/662	Joseph Nyaga Mbiti	Whole share

A consent order was signed by the petitioner and the sons of the deceased who confirmed the distribution of the estate as above.

Hearing notice was duly served upon the six daughters of the deceased as per the affidavit of service dated 16/06/2015. However they failed to attend the hearing and/or raise any protest. The mode of distribution is therefore not opposed.

In that regard, the distribution of the deceased estate should be as proposed by the applicant. Looking at the application and the supporting affidavit, the net estate is listed as well as the list of beneficiaries. The mode of distribution shows that every beneficiary has been catered for. I therefore allow the application as prayed.

Dated and delivered at Kerugoya this 3rd day of May 2018

L. W. GITARI

JUDGE