

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO. 16 OF 1979

IN THE MATTER OF ESTATE OF M'IKIRIMA KARINGU (DECEASED)

STANLEY MUTHURIPETITIONER

VS

HENRY MUCHAI.....OBJECTOR

RULING

Application dated 30.9.2011 is due for determination. The applicant seeks that the court amends the grant dated 16.2.1982 in terms of paragraph 9 of supporting affidavit.

He claims that he and his 3 brothers agreed to share equally L.R. No. Ntima/Ntakira/1882 but in his absence his brother who had petitioned for Letters of Administration to his father's estate went to court with applicants deceased now on 16.2.1982 and altered the consent order and had his share given to his son Kenneth Ndumba who is now deceased.

The parties that have been shown to be served are not parties in this cause and Kenneth Ndumba whom the applicant claims to have been given land is deceased

The claim by applicant has delayed inordinately and in my view overtaken by limitation of time he should make the claim in succession cause in the estate of Kenneth Ndumba or in the Environment and Land Court. The application dated 30th September 2011 is dismissed.

HON. A.ONG'INJO

JUDGE

RULING SIGNED, DELIVERED AND DATED THIS 5TH DAY OF JUNE 2018

IN THE PRESENCE OF:

C/A:- Penina

Petitioner:- N/A – deceased

Objector :-Present in person

Mr Ayub Anampiu Advocate for Objector – No appearance Mr Gichuki holding brief.

HON. A.ONG'INJO

JUDGE