

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NO. 651 OF 2009

IN THE MATTER OF ESTATE OF LATE MWANGI KIBANGA (DECEASED)

JOYCE CHIAKUTHI MWANGI.....PETITIONER

VS

SAMWEL KARIUKI MWANGI.....PROTESTER

RULING

Summons for revocation of grant dated 30th September 2010 comes up for determination. The deceased died on 22.1.1996 leaving behind a widow – Joyce Chiakuthi Mwangi daughter – Beatrice Wanja – sons Francis M’Mwangi –Deceased and James Gitonga. The widow took out letters of Administration. The net intestate estate is pencil No. L.R. Lower Abothuguchi/L-Kiija/245 estimated to be valued at Kshs 400,000/= by 2009 Samuel Kariuki Mwangi sought through application dated 30th September 2010 that grant made to Joyce Chikakuthi Mwangi be revoked on grounds that it was obtained fraudulently by making false statement and concealing material facts from the court.

Without considering many other issues raised in this cause the fact that the Petitioner claimed that Francis Macharia Mwangi. Applicants witness No. 2 is alive and the Administrator declared him dead is a very good reason to conclude that the petitioner Joyce Chikauthi Mwangi did not proceed in good faith while filing the succession cause. She didn’t give notice to the other beneficiaries that she was petitioning for Letters of Administration. I do find application is merited. Grant mad on 30th September 2010 is revoked; any transactions arising therefrom are annulled. This court appoints Samwel Kariuki Mwangi and Joyce Chiakuthi as joint Administrators. They are at liberty to file joint summons for confirmation and distribution of the estate if in agreement or separately if not in agreement. This succession cause was filed in 2009 and is in the list of matters which are 5 years and above that form backlog in this court and must be determined by December 2018. The parties are therefore put on notice to expedite M.26.7.2018 to confirm filing of application for confirmation and for directions. If there are any other assets is the name of the deceased they should all be listed for distribution by the court. No orders as to costs.

HON. A.ONG’INJO

JUDGE

RULING SIGNED, DELIVERED AND DATED THIS 5th DAY OF JULY 2018.

IN THE PRESENCE OF:

C/A: Penina

Mr Gichuki Advocate for Petitioner.

Mr Gichunge Advocate for Protester.

Mr Rimita Advocate for Interested parties.

HON. A.ONG’INJO

JUDGE