



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 465 OF 2004

IN THE MATTER OF THE ESTATE OF CYPRIANO

M'RINGERA M'ANYONI (DECEASED)

STEPHEN MWITI.....PETITIONER

JUDGMENT

1. This succession cause relates to the estate of Cypriano M'Ringera M'Anyoni (deceased). The deceased was survived by the following dependants/beneficiaries:-

- a) **Paulina Karamana - widow**
- b) **Sabina Nkirote - daughter in law**
- c) **John Gikundi - son**
- d) **Stephen Mwiti - son.**

2. On 12th October, 2004, **Paulina Karamana (“the petitioner”)** petitioned for grant of Letters of Administration intestate which were issued to her on 3rd February, 2005.

3. Vide Summons for Confirmation of Grant filed in court on 6th December, 2011, the Petitioner sought to distribute the estate of the the deceased as follows:-

- a) **LAND PARCEL NO. NYAKI/NKABUNE/51**
- b) **LAND PARECEL NO. NYAKI/GIAKI/1237**
- c) **LAND PARCEL NO. NYAKI/GIAKI/1238**
- d) **LAND PARCEL NO. NYAKI/GIAKI/1235**

ALL TO BE REGISTERED IN THE NAME OF THE PETITIONER PAULINA KARAMANA

4. On 4th October, 2017, one of the beneficiaries, and son to the deceased, Stephen Mwiti intimated to court that the Petitioner had since died in the year 2015. The court directed the said beneficiary do apply to be substituted as Administrator and to file for Confirmation within 45 days.

5. Despite as aforesaid, Stephen Mwiti failed to file the requisite application but appeared in court on 12th June, 2018 for the hearing of the application for confirmation and testified on oath. He told the court that he wished to be substituted as the petitioner and administrator of the estate as the original administrator had since died.

6. He further testified that **Sabina Nkirote**, a wife to his deceased brother had been given **Plot No. 1237**; that he and the other beneficiary **John Gikundi** had constructed in **Plot No. 1238** and wished to continue occupying the same. That **Plot No. 1235** was not occupied. With regard to **Plot No. 51**, he stated that the same had been given to Sarafina Kirema a son of his father's brother and that the beneficiaries had

no problem with him continuing to use it.

7. Stephen further told the court that their late sister had been buried in Plot No. 1238 and that she had left behind Frida Kiende and Douglas Muriuki. None of the beneficiaries were opposed to the proposed mode of distribution by Stephen Mwiti.

8. I have considered the entire record. The beneficiaries are all in agreement as to the distribution of the estate as proposed by **Stephen Mwiti**. In this regard I order as follows:-

a) **Stephen Mwiti** be and is hereby appointed the administrator of the estate of the deceased in the place of **Paulina Karamana**.

b) The estate of the deceased shall be distributed as follows:

i) **LAND PARCEL NO. NYAKI/GIAKI/1237 - wholly to Sabina Nkirote;**

ii) **LAND PARCEL NO. NYAKI/GIAKI/1238 - to John Gikundi and Stephen Mwiti in equal shares;**

iii) **LAND PARCEL NO. NYAKI/GIAKI/1235 - to Frida Kiende and Douglas Muriuki in equal shares; and**

iv) **LAND PARCEL NO. NYAKI/NKABUNE/51 - wholly to Sarafina Kirema**

DATED and DELIVERED at Meru this 20th day of September, 2018.

A. MABEYA

JUDGE