



REPUBLIC OF KENYA

IN THE HIGH COURT KENYA AT MERU

SUCCESSION CAUSE NO. 761 OF 2015

IN THE MATTER OF THE ESTATE OF THE LATE M'MUNGANIA M'NJAU alias MUNGANIA M'NJAU - DECEASED

ALEX MUTWIRINKONGE.....PETITIONER

VS

SUSAN KAWIRA.....PROTESTER

RULING

Grant made to Alex Mutwiri Nkonge on 16th June 2016 was revoked and same made to Susan Kawira on 21st November 2017 for reasons he had taken over one year to apply for confirmation as required by the law.

Alex Mutwiri was established to be a son of Adriano Nkunja the son of the deceased herein and therefore supposed to inherit through the father and not directly.

Both Adriano Nkunja and Alex Mutwiri have filed applications for confirmation subsequent to grant to Alex Mutwiri being revoked and after failing to file application for confirmation when required. In the mode of distribution Alex Mutwiri has included:-

- Nicholus Mureithi – Purchaser
- Agata Mercy – Purchaser
- Frida Makena – Purchaser
- James Kinoti – Purchaser – and even himself as a beneficiary when he is supposed to inherit through his father.

From the proceedings herein the children of the deceased are :-

- Colombina Mukwanungo – Widow
- Adriano Nkunja
- Thomas Kithinji – deceased father of Susan Kawira- administrator
- Anastacis Kagwe
- Hellen Kanyua
- Magdalena Ncheche

It is hereby ordered that **L.R. Igoji/Gikui/507** measuring 1.3 Ha shall be distributed as follows :-

- Adriano Nkunja – 1.10 acres
- Thomas Kithinji(deceased) – 1.10 acres to go to Susan Kawira – the daughter and any other children of Thomas Kithinji to share equally.

- Colombina Mukwamugo

Anastacia Kagwe 1.00 acres to share equally

Hellen Kanyua

Magdalene Ncheche

L.R. Igoji/Gikui/351 – 0.8 Ha

- Adriano Nkunja -0.65 acre
- Thomas Kithinji (deceased) – 0.65acre – Susan Kawira to hold for herself and any other child of Thomas Kithinji (deceased)
- Colombina Mukwamugo

Anastacia Kagwe 0.65 acres

Hellen Kanyua

Magdalene Ncheche

The purchasers should claim from those who sold to them before grant was confirmed.

No orders as to costs.

HON. A.ONG'INJO

JUDGE

RULING DELIVERED, SIGNED AND DATED THIS 18TH DAY OF OCTOBER 2018

HON. A.MABEYA

JUDGE