



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**SUCCESSION CAUSE NO. 128 OF 2011**

**IN THE MATTER OF THE ESTATE OF M'MWONGERA M'WAMARU alias REUBEN MWONGERA alias MWONGERA S/O  
RUUKO ( DECEASED)**

**STANLEY RIMBERIA.....PETITIONER**

**VS**

**SALOME KATHURE MWONGERA.....PROTESTER**

**RULING**

Amended Chamber summons dated 5<sup>th</sup> June 2018 seeks that the court reviews its judgement delivered on 21<sup>st</sup> Day of November 2017 to exclude the Respondent and her children from the list of beneficiaries on the grounds that she had benefited prior to the deceased persons death.

It was argued that the applicant and his siblings would benefit from only 5 acres of land even though their house has more units. Whether the deceased held 2 acres in L.R. Abothuguchi/Katheri/1425 on behalf of Stanley Rimberia who is alleged to have purchased it is a matter that is contentested and being that is the case, this court finds that the best forum to determine that is the Environment and Land Court. In the circumstances I will review the orders of this court distributing that parcel of land pending the contesting parties moving the appropriate court to determine ownership.

In the mean time the entire parcel will be held in trust by the petitioner/Administrator/ Applicant Stanley Rimberia jointly with Salome Kathure Mwangera so that this cause is closed. Costs of the application to be borne of each party.

**HON. A.ONG'INJO**

**JUDGE**

**RULING DELIVERED, DATED AND SIGNED IN COURT ON 11<sup>TH</sup> OCTOBER 2018.**

**In the presence of:**

C/A: Penina

Petitioner: Present in person

Applicant: Represented by Lydia Mpinda

**HON. A.ONG'INJO**

**JUDGE**