



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 691 OF 1995**

**IN THE MATTER OF THE ESTATE OF WAWERU MWANIKI GATUHA (DECEASED)**

**RULING**

1. On 11<sup>th</sup> December 2014, I made the following orders: -

(1) That Nyandarua/Mkungi/48 shall be distributed as follows:

- (a) 30 acres to Peter Karanja Kiarie,
- (b) 5 acres to Francis Kaigu Kinuthia, and
- (c) 2 acres to Joseph Njoroge Kimani;

(2) That the balance of the land shall be distributed in accordance with the provisions of sections 40 and 42 of the Act; and

(3) That to facilitate the distribution above, the land to be valued before final orders on distribution are made.

2. In compliance with the said orders the District Lands Office, Nyandarua District, did a valuation of the subject property and filed herein a report dated 8<sup>th</sup> June 2016. The county valuation officer confirms that the property, Nyandarua/Mkungi/48, is registered in the name of the deceased. Its total acreage is put at forty-six decimal (46.5) hectares or one hundred and fourteen decimal nine (114.9) acres. Its total value is put at Kshs. 57, 500, 000.00. There is a chart of the proposed excision of the four parcels due to Peter Karanja Kiarie, Francis Kaigu Kinuthia and Joseph Njoroge Kimani. After the excision, the balance available for distribution to the survivors of the deceased would be twenty nine decimal three (29.3) hectares or seventy two decimal four (72.4) acres.

3. The deceased had married twice. The two widows and all their children put together number thirteen (13). The 29.3 hectares or 72.4 acres should be divided into thirteen (13) equal units. Each of the thirteen survivors of the deceased shall take a unit each. The distribution on the ground should take into account any settlement or occupation or development by any of the survivors.

4. The distribution of the remaining free property of the deceased shall be in the terms set out above. The estate shall be distributed according to the terms of the ruling herein of 11<sup>th</sup> December 2014 and paragraph 3 here above. A certificate of confirmation of grant shall issue thereafter accordingly.

5. The estate of the deceased comprises only of Nyandarua/Mkungi/48. The property is situated within Nyandarua County. There is now domiciled at Nyahururu/Ol-Kalau a High Court station. This matter shall accordingly be transferred to the said High Court station for final disposal. Costs shall be in the cause.

**DATED and SIGNED at NAIROBI this 3<sup>RD</sup> DAY OF MAY, 2017.**

**W. MUSYOKA**

**JUDGE**

**DELIVERED and SIGNED this 5<sup>TH</sup> DAY OF MAY, 2017.**

**M. MUIGAI**

**JUDGE**