

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 2927 OF 1999

IN THE MATTER OF THE ESTATE OF JONATHAN MBATIA KIEYA - (DECEASED)

PETER KABUI MBATIA.....1ST APPLICANT

ANASTASIA WANJIKU KABUI.....2ND APPLICANT

VERSUS

ELIZABETH NJERI MBATIA.....1ST RESPONDENT

SIMON THAIRU MBATIA.....2ND RESPONDENT

RULING

1. Having been brought to my attention through letter from Julius Nyakiangana & Co. Advocates, and under **section 99** of the **Civil Procedure Act**, I amend paragraph 6 of the Ruling dated 17th May 2017 to read:-

“It is because of this abuse of this fiduciary position that I order the cancellation of titles Dagoretti/ Riruta/6339, 6340, 6341, 6342 and 6343 and order that the portions revert to Dagoretti/Riruta/4654 in the name of the 1st respondent.”

And paragraph 8 to read –

“In the meantime, an injunction shall issue against the 1st respondent and/or the other beneficiaries restraining them from disposing of, or in any other manner, alienating parcel 4654, or any portion of it.”

2. Counsel shall serve all parties with the amended ruling.

DATED, DELIVERED and SIGNED at NAIROBI this 15TH day of JUNE 2017.

A.O. MUCHELULE

JUDGE