

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISC. SUCC. NO. 203 OF 2014

**IN THE MATTER OF THE ESTATE OF LATE STEPHEN MUGATHIA M'RUKUNGA A.K.A
STEPHEN MUNGATHIA RUKUNGA AKA RUNGA KANAKE**

MARTIN THURANIRA MUNGATHIA

JOSEPH KIAMBI MUNGATHIAPETITIONERS

-VERSUS-

ANASTACHIA GAOKI MBOROKIOBJECTOR

JUDGMENT

Court – The facts of this case are straightforward; that Maua CM Court at the time it issued the grant in MAUA CMC SUCC. CAUSE NO. 6 OF 2012 did not have jurisdiction. Its jurisdiction was only limited to estates whose value will not exceed Ksh. 100,000/-. I have looked at the exhibit 15 produced including the confirmed grant which includes two plots at Gakoromone market within Meru Town. There are other properties listed there and I am convinced that the Maua court did not have jurisdiction to make the grant as it did.

In any event, the evidence now before the court shows that some assets of the estate were left out in the petition filed at Maua.

In light of the above, this is a case befitting *ex tempore* decision. Accordingly, I revoke the grant issued by Maua CMC Court in Maua CMC SUCC CAUSE NO. 6 of 2012. Parties shall file a Succession cause before this court within 45 days of today. It is so ordered.

F. GIKONYO

JUDGE

7.11.2016