

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

SUCCESSION CAUSE NO. 2544 OF 2007

IN THE MATTER OF THE ESTATE OF NJOROGE THAIYA (DECEASED)

RULING

1. On 31st January 2014 I postponed confirmation of the grant made on 16th February 2011. I directed the administrators to group the survivors in accordance with the households they belong to and further that Limuru/Bibirioni/2618 and Limuru/Bibirioni/T.65 be allotted to Esther Njeri Kamau, with the rest of the assets being divided equally among the survivors as per the provisions of Section 40 of the Law of Succession Act.

2. In response to the said directions, counsel for the 1st petitioner and six of the beneficiaries filed further submissions on 14th February 2014, dated 13th February 2014. He identified the beneficiaries of the estate as seven (7) persons, namely – Esther Wanjiku Njoroge, James Kagwima Njoroge, Stephen Ihugo Njoroge, Laban Njuguna Njoroge, Hannah Mumbi Mbuti, Margaret Wanjiku Kuria and Esther Njeri Kamau.

3. The deceased had married twice. Of the two wives, only the second one is surviving. The deceased first wife was survived by two daughters, being Hannah Mumbi Mbuti and Margaret Wanjiku Kuria. The second wife survived the deceased with her three children, namely James Kagwima Njoroge, Stephen Ihugo Njoroge and Laban Njuguna Njoroge.

4. Esther Njeri Kamau is not the wife of the deceased, but a sister-in-law of the deceased. She features in these proceedings because the deceased held two properties – Limuru/Bibirioni/2618 (0.62Ha) and Limuru/Bibirioni/T.65 (0.27 Ha) – in trust for her.

5. I am now satisfied as to the identities of the persons entitled to a share in the estate of the deceased and to their respective shares.

6. I thereby direct that the grant dated 16th February 2011 be confirmed and the estate of the deceased be distributed in the following terms:-

a. Limuru/Bibirioni/2618 (0.62 Ha) and Limuru/Bibirioni/T.65 (0.27 Ha) to Esther Njeri Kamau; and

b. The rest of the assets to be shared equally in accordance with schedule attached to the further submissions dated 13th February 2014.

7. Costs shall be in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 3RD DAY OF JULY, 2015.

W. MUSYOKA

JUDGE

In the presence of Mr. Mabua for Mr. Gitau advocate for the Applicant.

In the presence of advocate for the Respondent.