



**IN THE HIGH COURT OF KENYA**

**AT MURAN'GA**

**SUCCESSION CAUSE NO 903 OF 2013**

***IN THE MATTER OF THE ESTATE OF FRANCIS IRUNGU MUNGE – DECEASED***

**1. FRACIAH WANGARI MWANGI**

**2. EUNICE WANGARI IRUNGU.....ADMINSTRATERS**

**RULING**

1. The Deceased herein, **Francis Irungu Munge**, was survived by his widow **Fraciah Wangari Mwangi** (1<sup>st</sup> Administrator) and five children, 3 of them minors. The Deceased's free estate comprises only one parcel of land, **LR Loc. 13/Karunge/2614**.

2. In their proposed distribution at paragraph 5 of the affidavit sworn in support of the **summons dated 23<sup>rd</sup> July 2014** for confirmation of a grant, the said parcel of land would go to Fraciah Wangari Mwangi alone. Ordinarily she would hold that property in trust for the Deceased's children. Upon query by the court in this regard when the summons for confirmation came up for hearing on 20<sup>th</sup> November 2014, learned counsel for the Administrators explained that the land is going to the 1st Administrator alone so that she can transfer the same to its true owners as the Deceased was holding it in trust. Learned counsel undertook to explain all that in a supplementary affidavit to be filed.

3. Indeed a **further affidavit** sworn by both Administrators was filed on 1<sup>st</sup> December 2014. It is proposed that the parcel of land be shared equally between one **Stephen Maina Munge** and Fraciah Wangari Mwangi who would hold her portion in trust for her 5 children and have a life interest therein herself. Although it is not so stated, it appears that the Deceased held the land in trust for himself and the said Stephen Maina Munge in equal shares.

4. The adult children of the deceased have consented in writing to the proposed distribution. I am satisfied that the proposed distribution is fair and just and caters for the interest of all the children of the deceased.

5. In the circumstances I will confirm the grant as sought. Distribution shall be as proposed at paragraph 5 of the further affidavit filed on 1<sup>st</sup> December 2014. It's so ordered.

**DATED SIGNED AND DELIVERED AT MURANG'A THIS 5TH DAY OF DECEMBER 2014**

**H.P.G. WAWERU**

**JUDGE**