



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

SUCCESSION CAUSE NO. 208 OF 2010

IN THE MATTER OF THE ESTATE OF IRERI KAGANE (DECEASED)

AND

IN THE MATTER OF RUNYENJES PM'S SUCC. CAUSE NO. 101 OF 1976

AND

IN THE MATTER OF ANULMENT AND REVOCATION OF GRANT

AND

VERACIA WERIA IRERI.....PETITIONER/RESPONDENT

VERSUS

NJERU IRERI.....1ST RESPONDENT

DAVID NGONDI IRERI.....2ND RESPONDENT

JOHN NDWIGA.....3RD RESPONDENT

DAUGLAS MUGAMBI MBAKA.....4TH RESPONDENT

LUCY NJOKI NJOKA.....5TH RESPONDENT

R U L I N G

The application dated 22/5/2013 refers. The orders sought were made vide the Ruling of 11/10/2012. There is a rectification of the certificate for confirmation that was allowed by the Court on 18/4/2013.

The replying affidavit of the Respondent sworn on 12/9/2013 appears to be challenging the courts Ruling of 11/10/2012. On 11/10/2012 the Respondent was granted leave to appeal against the Ruling which she has not done. She has also not filed an application for Review. It is surprising that the Respondent is represented by Counsel who was even given time by this Court to peruse the file and act. Instead of filing the relevant application the Respondent has elected to make prayers through a replying affidavit. She is reminded that before this Court made provision for the dependants of her deceased son she had not provided for them in her mode of distribution. And if indeed she knew that Josephine Kinanu

M'ngiti existed why had she not provided for her in her mode of distribution?

If she has issues with Runyenjes Succession Cause No. 4/2008, its important that those issues be raised in that said file Succession Cause No.4/2008 (Runyenjes) and Embu High Court Succession Cause No. 208/2010 deal with totally different estates.

Mr. Momanyi knows the procedure to follow for a dependant who has not been provided for. It is not through disobeying court orders. From what has been exhibited before this Court its clear in my mind that the Respondent is not keen on letting go of her deceased husband estate and she has no regard for due process.

I therefore allow the application dated 22/5/2013. Each party to bear his/her own costs. Right of appeal explained.

DELIVERED, DATED AND SIGNED AT EMBU THIS 1ST DAY OF OCTOBER 2013.

H.I. ONG'UDI

J U D G E

In the presence of:-

Ms. Wairimu for Applicant

Mr. Neseke for Wanyonyi for Petitioner/Respondent

Petitioner

Beneficiaries

Njue CC