

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

SUCCESSION CAUSE NO. 3490 OF 2004

IN THE MATTER OF THE ESTATE OF NJOROGE KAMURU – DECEASED

RULING

1. The application dated 21st May 2013 is by Jane Waringa Maina, one of the administrators of the estate of the deceased. She seeks that the share of a beneficiary, Cecilia Wanjiru Njoroge, who has since died, be vested unto her and Susan Muthoni Wanjiru as administrators of the estate of the Njoroge Kamuru, deceased.
2. The share in question is 0.25 acres of LR No. Riabai/Ndumberi/705.
3. This cause was initially commenced at the **Kiambu Chief Magistrate's Court as Case No. 118 of 1999**. Grant was made on 26th July 1999 to James Peter Mathenge and Teresia Wanjiku Ngugi. Cecilia Wanjiru Njoroge was listed in the petition as a daughter of the deceased.
4. The administrators under the grant made by the Kiambu court applied for confirmation of grant on 15th August 2003 *vide* an application of even date. The proposal, among others, was to give Cecilia Wanjiru Njoroge 0.25 acres out of **Ndumberi/Riabai/705**. The grant was confirmed in those terms on 7th January 2004. A certificate of confirmation of grant issued accordingly on the same date.
5. The proceedings shifted from Kiambu to Nairobi when this matter was initiated at the High Court by way of a summons for revocation of grant dated 27th September 2004 at the instance of Regina Ann Wairimu Mata. Cecilia Wanjiru Njoroge was an issue - whether she was a survivor of the deceased was contested.
6. In the end the matter was resolved amicably on 15th November 2006 and Cecilia Wanjiru Njoroge was accepted by consent as a survivor of the deceased. The court thereafter directed that the estate be distributed in accordance with the proposal at paragraph 8 in the affidavit sworn on 26th October 2006 by James Peter Mathenge, Teresiah Wanjiku Ngugi and Cecilia Wanjiru Njoroge. According to the said proposal, Cecilia Wanjiru Njoroge was entitled to **0.25 acres** out of **LR No. Riabai/Ndumberi/705**.
7. From the above background, I find merit in the application dated 21st May 2013. I hereby allow it in the terms proposed. Costs shall be in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 8th DAY OF November, 2013.

W. M. MUSYOKA

JUDGE