



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO 3012 OF 2012**  
**IN THE MATTER OF THE ESTATE OF THE LATE KIMANI**  
**GATURU *alias* GEORGE KIMANI GATURU (DECEASED)**

**DIRECTIONS**

1. On 18 March 2025 the parties entered into a consent to the effect that the objection proceedings herein be determined by way of further affidavits and written submissions.
2. When the court retired to write its decision, it emerged that the further affidavit by the Objector dated 16<sup>th</sup> June 2025 had raised new and pertinent issues in respect to a mode of distribution which materially opposed that contained in the affidavit in support of the application of confirmation of grant dated 10<sup>th</sup> March 2022 by Lucy Wataro Mwangi the co administrator of the estate.
3. Fundamentally there is material difference on how to share land parcel Githunguri/Githiga/2015. The court is unable for instance to determine whether the deceased bequeathed it to the objector and his brother and therefore they have settled therein before his demise.
4. At the same time the court is unable to comprehend based on Lucy's affidavit in support, the basis of

authorizing Geomatic Survey Services to carry out survey services and whether there was consensus from all the parties.

5. For these and more reasons I find that I need to hear the parties ONLY on the mode of distribution. In other words, all the other parameters are clear except on the rival reasons to persuade the court on distribution.
6. In the premises I direct that the matter be fixed for oral hearing on the above area.

**Dated signed and delivered via video link at Nairobi  
this**

**9<sup>th</sup> day of October 2025.**

**H K CHEMITEI  
JUDGE**