



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

SUCCESSION CAUSE NUMBER 185 OF 2015

IN THE MATTER OF THE ESTATE OF NAAMAN KAUME THIRINGI
(DECEASED)

ELIZABETH MBETI
KAUME.....ADMINISTRATOR/APPLICANT

FLORENCE KAREI KAUME.....
BENEFICIARY

PATRICK GITONGA KAUME.....
.....BENEFICIARY

JOEL BAARIU LICHORO, CATHERINE KENDI,

ELIUD MWENDA & PAUL MWIRIGI.....
BENEFICIARIES

JAMES KITHINJI THIRINGI.....
BENEFICIARY

LYDIA KARIMI KAUME.....
BENEFICIARY

EVANGELINE NKIROTE KAUME.....
BENEFICIARY

ESTATE OF NATHAN MUTUMA
THIRINGI.....BENEFICIARY

MERCY MWENDA
KAUME.....BENEFICIARY

VERSUS

ROSE
KAUME.....ADMINISTRATOR/RESPONDENT

MBAAH

GEORGE
THIRINGI.....ADMINISTRATOR/RESPONDENT

KINOTI

JUDGEMENT

1. What is before court for determination is summons for confirmation of grant dated 30th June, 2025 by the Applicant/Administrator, Elizabeth Mbeti Kaume, where she seeks for the confirmation of the grant of letters of administration Intestate issued to her, ROSE MBAAH KAUME, EUNICE NKATHA & GEORGE KINOTI THIRINGI on 17th April, 2017 and amended on 19th March, 2025 and for the costs of this summons to be in the cause.
2. The summons is supported by her affidavit sworn on the even date wherein she averred that the deceased herein died on 23rd July,2012 and grant of letters of administration of his estate was issued to her, ROSE MBAAH KAUME ,EUNICE NKATHA & GEORGE KINOTI THIRINGI on 17th April,2017 and amended on 19th March,2025.
3. She deposed that the deceased was survived by the following;
 - I. Elizabeth Mbeti Kaume- Widow

- II. Florence Karei Bundi- Daughter
- III. George Kinoti Thiringi- Son
- IV. Susan Mwonjiru Kaume- Daughter(deceased), survived by
Patrick Gitonga Kaume
- V. Charity Kinya Kaume -Daughter(deceased) survived by
- VI. Joel Baariu Lichoro
- VII. Catherine Kendi
- VIII. Eliud Mwenda
- IX. Paul Mwirigi
- X. Nicholas Thurania Thiringi- Son (Deceased), was
unmarried and had no children
- XI. Rose Mbaah Kaume- Daughter
- XII. Naomi Kananu Kaume- Daughter(Deceased) survived by;
- XIII. Jackline Karambu Osman
- XIV. Douglas Thurania
- XV. DR. James Kithinji Thiringi- Son
- XVI. Nathan Mutuma Thiringi- Son
- XVII. DR. Lydia Karimi Kaume- Daughter
- XVIII. Mercy Mwendwa Kaume- Daughter
- XIX. Evangeline Nkirote Kaume- Daughter

4. She proposed that the deceased estate be distributed as follows:-

PROPERTY	Beneficiary	Share
1. Title No. Kianjai /Mituntu/ 75(26.83Ha)	a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa Kaume	All to share equally
2. Title No. Kianjai /Kianjai /372(5.95Ha)	a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas	All to share equally

	<p>Thuranira</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>i. Mercy Mwendwa Kaume</p>	
<p>3. Title No. Kianjai /Kianjai /4471(0.384Ha)</p>	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu Osman and Douglas Thuranira</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	<p>All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.</p>
<p>4. 50% of Title No. Kianjai /Kianjai /2397(0.43Ha)(Title jointly owned with Francis Kathunka Kiuga)</p>	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu</p>	<p>All to share equally (with an option of selling and sharing the proceeds</p>

			<p>Osman and Douglas Thuranira</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	<p>equally or willingly buying each other out at fair market value.</p>
5. Title No. Tigania West/Uringu (2.014Ha)	No. II/289		<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu</p> <p>Osman and Douglas Thuranira</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	<p>All to share equally</p>
6. Title No. Kianjai /Kianjai /3859(0.67Ha)			<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p>	<p>All to share equally (with an option of selling and sharing the</p>

	<p>g. Jackline Karambu Osman and Douglas Thuranira</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	<p>proceeds equally or willingly buying each other out at fair market value.</p>
<p>7. Title No. Kianjai /Kianjai /6756(0.45Ha)</p>	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu Osman and Douglas Thuranira</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	<p>All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.</p>
<p>8. Title No. Kianjai /Kianjai/1884(5.47 Ha)</p>	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti</p>	<p>All to share equally.</p>

	<p>Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu Osman and Douglas Thuranira</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	
<p>9. Title No. Kianjai / Kianjai/4559(2.00 Ha)</p>	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu Osman and Douglas Thuranira</p> <p>h. James Kithinji</p>	<p>All to share equally.</p>

	<p>Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	
10. Title No. Kianjai / Kianjai/2071(0.75 Ha)	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu Osman and Douglas Thurania</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.
11. Title No. Kianjai / Kianjai/3588(0.3 Ha)	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu</p>	All to share equally (with an option of selling and sharing the proceeds

		Osman and Douglas Thuranira h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa Kaume	equally or willingly buying each other out at fair market value.
12. Title No. Amwathi/Maua/3180(o.5 844 Ha)		a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thuranira h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa Kaume	All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.
13. Title No. Tigania /West/ Uringu II /718 (0.623 Ha)		a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro,	All to share equally (with an option of

	<p>Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu Osman and Douglas Thurania</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	<p>selling and sharing the proceeds equally or willingly buying each other out at fair market value.</p>
<p>14. 50% of Title No. Meru Municipality/Block 11/29 (0.0465 Ha) Co-owned with Jason Kiambi Kimbui</p>	<p>a. Elizabeth Mbeti Kaume</p> <p>b. Florence Karei Bundi</p> <p>c. George Kinoti Thiringi</p> <p>d. Patrick Gitonga Kaume</p> <p>e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi</p> <p>f. Rose Mbaah Kaume</p> <p>g. Jackline Karambu Osman and Douglas Thurania</p> <p>h. James Kithinji Thiringi</p> <p>i. Lydia Karimi Kaume</p> <p>j. Evangeline Nkirote Kaume</p> <p>k. Nathan Mutuma Thiringi</p> <p>l. Mercy Mwendwa Kaume</p>	<p>All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.</p>

<p>15. 50% of Title No. Meru Municipality/Block 11/816 & 817 (0.0285 Ha Each) Co-owned with Jason Kiambi Kimbui</p>	<p>a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa Kaume</p>	<p>All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.</p>
<p>16. Title No. Ngobit/Supuko/Block 5/2 (28.14 Ha)</p>	<p>a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa</p>	<p>All to share equally.</p>

<p>17. Kianjai Market Plot No. 29A- Kianjai- Tigania West Sub-County (0.015Ha)</p>	<p style="text-align: center;">Kaume</p> <p>a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa Kaume</p>	<p>All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.</p>
<p>18. Kianjai Market Plot No.31- Kianjai- Tigania West Sub-county (0.03Ha)</p>	<p>a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi</p>	<p>All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market</p>

	l. Mercy Mwendwa Kaume	value.
19. 50% of Kianjai Market Plot No. 37- Kianjai-Tigania West Sub-County (0.03 Ha) Co-owned with J. Gichunge	a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa Kaume	All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.
20. 50% of Kianjai Market Plot No. 42- Kianjai-Tigania West Sub-County (0.07 Ha) Co-owned with Joseph Kingori	a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma	All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair

	Thiringi l. Mercy Mwendwa Kaume	market value.
21. Kianjai Market Plot No.2B- Kianjai- Tigania West Sub-County (0.03Ha)	a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma Thiringi l. Mercy Mwendwa Kaume	All to share equally (with an option of selling and sharing the proceeds equally or willingly buying each other out at fair market value.
22. Kianjai Market Plot No.24- Tigania West Sub-County (20X80 Feet)	a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume	All to share equally (with an option of selling and sharing

	<p>k. Nathan Thiringi l. Mercy Kaume</p> <p>Mutuma Mwendwa</p>	<p>the proceeds equally or willingly buying each other out at fair market value.</p>
<p>23. Miathene Market Plot No. 11A-Miathene-Kianjai Ward-Tigania West Sub-County(0.03Ha)</p>	<p>a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma</p>	<p>All to share equally (with an option of selling and sharing the</p>

	Thiringi I. Mercy Kaume	Mwendwa	proceeds equally or willingly buying each other out at fair market value.
24. Title No. Meru /Kianjai / 1498 (0.23 Ha)	Elizabeth Mbeti Kaume		Absolutel y
25. Isiolo Town Plot No. D77- Isiolo Town, Isiolo County (0.05 Ha)	a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote		All to share equally (with an option of selling and sharing

	<p>Kaume k. Nathan Thiringi l. Mercy Kaume</p> <p>Mutuma Mwendwa</p>	<p>the proceeds equally or willingly buying each other out at fair market value.</p>
<p>26. Isiolo Town Plot No. D78- Isiolo Town, Isiolo County (0.05 Ha)</p>	<p>a. Elizabeth Mbeti Kaume b. Florence Karei Bundi c. George Kinoti Thiringi d. Patrick Gitonga Kaume e. Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda and Paul Mwirigi f. Rose Mbaah Kaume g. Jackline Karambu Osman and Douglas Thurania h. James Kithinji Thiringi i. Lydia Karimi Kaume j. Evangeline Nkirote Kaume k. Nathan Mutuma</p>	<p>All to share equally (with an option of selling and sharing the</p>

	Thiringi I. Mercy Kaume	Mwendwa	proceeds equally or willingly buying each other out at fair market value.
27. Shares and Stocks held under CDSC ACC No. B02/b-0000000873063/L1-0 Any shares and stocks	Elizabeth Mbeti Kaume		Absolutel y
28. Motor Vehicles Registration numbers KNG 603, KAC 049B & KAH 586U	Elizabeth Mbeti Kaume		Absolutel y
29. Proceeds in all Bank Account of the deceased including Barclays Bank of Kenya LTD (ABSA Bank Kenya PLC) - ACC NO. 0134771267- Meru Branch	Elizabeth Mbeti Kaume		Absolutel y

5. The consent to confirmation of grant was signed by 10 beneficiaries only, namely; Florence Karei Bundi, Patrick Gitonga Kaume, Joel Baariu Lichoro, Catherine Kendi, Eliud Mwenda, James Kithinji Thiringi, Lydia Karimi Kaume, Evangeline Nkirote Kaume, Nathan Mutuma Thiringi and Mercy Mwendwa Kaume.
6. The Respondents on their part filed their mode of distribution dated 24th October, 2025, proposing that the estate be distributed as follows;

PROPERTY	BENEFICIARY	VALUE OF PROPERTY	REMARKS
1. Kianjai Market Plot no.2B	Rose Kaume	1million	Has tenants-Commercial plot
2. Kianjai Market Plot no.29(a)	1. George Kinoti 2. Forence Karegi 3. Susan Mwonjiru 4. Charity Kinya(Kate ,Kagwiria, Mwenda,	2.5 Million	Has tenants-Commercial plot

	Baariu		
3. Kianjai Market Plot No.31	Eunice Nkatha	4.5 Million	Has tenants- Commercial
4. Kianjai Market Plot No.37(0.03Ha)	1. Mercy Mwendwa 2. Evangeline Nkirote /Frida Gichunge	5Million	Owned jointly with Gichunge
5. Kianjai Market Plot No.42	1. Nathan Mutuma 2. James Kithinji	2 Million	Has 3 tenants- Commercial ,owned jointly by N.T.Kaume /J.K.Kingori
6. Kianjai/Kianjai/ 3859(0.67Ha) plot touches the Meru/Maua Road	1. Elizabeth Kaume 2. Eunice Nkatha	17million	Commercial-cum residential

	<p>3. Rose Kaume</p> <p>4. George Kinoti</p> <p>5. James Kithinji</p> <p>6. Nathan Mutuma</p> <p>7. Mercy Mwendwa</p> <p>8. Lydia Karimi</p> <p>9. Susan Mwonjiru</p> <p>10. Charit y Kinya(Baar iu, Kate,Mwen da,Kagwiri</p>		
--	---	--	--

	a) 11. Naom i Kananu 12. Evan geline Nkirote 13. Flore nce Karei		
7. Miathene Market plot no.11A (0.03Ha)	Mercy Mwenda	400,000	Has tenants- Commerci al
8. Miathene Market Plot No. 1498 (0.23Ha)	1. Elizabeth Mbeti family 2. Eunice Nkatha family 3. Mama	10.5 Million. Each apartmen t is Ksh.2.625	Has tenants- Commerci al.

	George's family	Million	
	Each family to get one apartment the remaining apartment to be shared.		
9. Kianjai/Kianjai/ 3105(0.36Ha)	1. George Kinoti 2. Susan Mwonjiru 3. Rose Kaume	1 Million	Has tenants-Commercial
10. Kaliati Market Plot	To be sold proceeds	200,000	Vacant plot-

No.24- 20 x 80 feet	divided among the 3 families		Commercial
11. Kianjai/ Kianjai/4471- (0.45Ha)market touching Meru Maua road	1. George Kinoti 2. Florence Karei 3. Naomi Kananu 4. Eunice Nkatha 5. Rose Kaume 6. Susan Mwonjiru 7. Charity Kinya Family(Baa riu,mwend a,kate, and	5 Million	Has tenants- Commercial

	Kagwiria's son mwirigi)		
12. Kianjai/ Kianjai/6756 (0.45Ha)	Mercy Mwendwa	700,000	Agricultura I land
13. Kianjai/ Kianjai/3588 (0.74Ha)	Lydia Karimi	600,000	Agricultura I land
14. Kamboo- Miathene L.R No. Kianjai/Kianjai/3 72(14.72 Ha)	1. Elizabeth Kaume 2. Evangeline Nkirote 3. James Kithinji 4. Mercy Mwendwa 5. Nathan	15 Million	Agricultura I land

		Mutuma 6. Lydia Karimi		
15.	Kianjai L.R No. 1884- Miathene (5.47 Ha)	To be shared equally among the 13 beneficiaries	9.2 Million	Agricultura I Land
16.	Kianjai L.R No. Kianjai- Mituntu/75(66 acres)	1. Florence Karei 2. George Kinoti 3. Susan Mwonjiru 4. Charity Kinya 5. Eunice Nkatha 6. Rose	46Million 400,000	Agricultura I land

		Kaume 7. Naomi Kananu		
17.	Rwongo Rwa Nyanki- Miathene Kianjai/Kianjai/2 071(0.75 Ha)	Evangeline Nkirote/Susan Mwonjiru	1.3 Million	Agricultura I Land
18.	Meru Municipality Block II/29(0.0465Ha)	1. Eunice Nkatha 2. Rose Kaume 3. Naomi Kananu	57.5 Million	Has Tenants 50% owned by Kaume and 50% owned by Kimbui
19.	Meru Municipality Block 2/816	1. Florence Karei 2. George	20.6 Million	Has tenants- 50 % is

(7acres)	<p>Kinoti</p> <p>3. Susan Mwonjiru</p> <p>4. Charity Kinya</p>		owned by Kimbui Family
<p>20. Meru Municipality Block 2/817(7 acres)</p>	<p>1. Elizabet h Kaume</p> <p>2. Evangeli ne Nkirote</p> <p>3. James Kithinji</p> <p>4. Mercy Mwend wa</p> <p>5. Nathan Mutuma</p>	20.7Millio n	Has tenants 50% is owned by Kimbui Family

	6. Lydia Karimi		
21. Amwathi/ Maua/3130- Maua Town EL SADIQ Hotel(0.5844 Ha)	To be shared equally among the 13 beneficiaries	90 Million	Has tenants- Commerci al
22. L.R No.289 Uringu Part II (2.014Ha)	1.Florence Karei 2. Susan Mwonjiru 3. Nathan Mutuma 4. Charity Kinya(Kate, Baariu, Mwenda, Kagwiria)	2.5 Million	Agricultura I Land
23. L.R	Susan Mwonjiru	450,000	No

No.11/718 Kamaroo Uringu Part II(0.623 Ha)			remarks
24. Kianjai/ Kianjai/ 4559(2.0Ha)	1.Lydia Kaume 2. James Kithinji	4Million	Agricultura I Land
25. Plot in Isiolo No. D77	Nathan Mutuma	1.2 Million	Undevelop ed Plot
26. Plot in Isiolo No. D78	James Kithinji	1.2 Million	Unde veloped plot
27. Plot in Isiolo used currently by Florence Karei, unknown number	Florence Karei	Unknown	Undevelop ed plot
28. Ngobit- Rumuruti (Block	Sell the land and proceeds to	17.5 Million	Agricultura I land.

5/2) (28.14Ha)	be shared among the 13 beneficiaries		
29. Kianjai/ Kianjai/2397	1. Elizabeth 2. Kathunka	300,000	Agricultural Land(jointly owned with Francis Kiunga)
30. L.R No. Kianjai/6754(3acres)	Eunice Nkatha 3 house hold assignees and George Kinoti	Unknown	Agricultural land

7. The 1st Respondent/Administrator, Rose Mbaah Kaume, swore an affidavit on 9th September, 2025 deponing that she and her brother Enos Ntombura are administrators of the estate of their mother, Eunice Nkatha, who died on 5th January, 2023.

8. She deposed that her late mother Eunice Nkatha got married to the deceased herein as a second wife under Meru customary law in 1960 and in 1965 they converted their marriage into statutory one by solemnizing the same in the Methodist Church at Kianjai in Meru District.
9. She deposed that her late parents were blessed with 6 children but she is the sole surviving child.
10. That in 1970, the deceased contracted a bigamous marriage with the Applicant herein while his marriage to her late mother was still in force and that by 1975, the year the Applicant claims to have been married by the deceased, she had already given birth to three children, i.e. James Kithinji Thiringi in 1971, Lydia Karimi in 1973 and Evangeline Nkirote in 1975.
11. She asserted that the deceased herein and her late mother never dissolved their marriage until his demise, that the purported divorce proceedings between her parents are an afterthought, do not bear the court's signature, stamp or seal and that no decree nisi or absolute has been tabled before this court.

12. She averred that for various reasons her parents separated but never divorced each other and that despite the heart-rending separation her late mother never remarried though she got other children not of the deceased herein.
13. She deposed that many of the family assets were developed when her parents were together, including buying stocks and shares, putting up buildings, stores and shops that still stand today and that when the deceased travelled to Germany from 1967 to 1968, her late mother single-handedly held everything together by taking care of the family and family investments.
14. She thus averred that it is only fair and just that her late mother's estate be included in the list of beneficiaries of the deceased estate.
15. In response to the affidavit of Rose Mbaah Kaume, the Applicant, Elizabeth Mbeti Kaume, swore a replying Affidavit on 14th November, 2025.
16. She averred that she was customarily married to the deceased herein in April, 1970 and on 24th October, 1975, they solemnized their union after he lawfully dissolved any prior unions.

17. She contended that she was married to the deceased for 43 years till his death in 2012 and that she is the only surviving widow.
18. She deponed that prior to their marriage, the deceased had married his first wife the late Beatrice Kinuu in 1954 and together they had five children but she died in 1964 and he thereafter married Eunice Nkatha as the second wife, had two children with her and later divorced her.
19. She deposed that since 1970, she and the deceased worked together to build his estate and they bought many pieces of land.
20. She deponed that she built and managed the estate with the deceased for 43 years and has continued to manage it alone for the past 13 years despite her advanced age.
21. She inter alia stated that the reasons why Eunice Nkatha should be excluded are that she was legally divorced from the deceased in 1974 and that she is dead and her two children, Rose Mbaah and Naomi Kananu whom she sired with the deceased have been included as beneficiaries receiving equal distribution as all the other children of the deceased.

22. She asserted that Eunice Nkatha brought nothing to the estate and contended that reference to the birth of her three children after customary marriage in April, 1970 has no bearing to the distribution of the estate because the law treats all children the same.
23. She maintained that the divorce proceedings were duly instituted and concluded as evidenced by the court register confirming the grant of divorce.
24. The Applicant, Elizabeth Mbeti, also filed an affidavit of statement of accounts dated 7th October, 2025 wherein she averred that most of the tenants pay in cash and on an average she collects Ksh.325,000/= per month which she broke down as follows:-
- a. Kianjai Market and its surroundings- Ksh. 75,000/=
 - b. Maua Town- Ksh. 130,000/=
 - c. Meru Town- Ksh.120,000/=
25. She contended that her monthly expenses include the following;
- a. Electricity- Ksh.10,000/= per month

- b. Food and monthly household shopping- Ksh. 40,000/=
- c. Water Pumping and borehole maintenance - Ksh.10,000/= per month
- d. Fuel- Ksh.10,000/= per month
- e. Medication and SHA -Ksh.35,000/= per month
- f. Repairs and Maintenance all over- Ksh.30,000/= per month
- g. Property rates every year- Ksh.60,000/=
- h. Workers, watchmen, cleaners and far hand depending on the season Ksh.25,000/= per week and Ksh.100,000/= per month
- i. Philanthropic activities- Ksh.30,000/= per month
- j. Nathan Mutuma's children school fees- Ksh. 150,000/= per term.
- k. Veterinary and other specialists- Ksh. 20,000//= per month.
- l. Major annual repairs and replacements- Ksh.300,000/=
- m. KRA taxes- Ksh.6,000/= per month
- n. Motor Vehicle Insurance- Ksh.60, 000/= per year.
- o. Church tithe -Personal

p. George Kinoti Stipend- Ksh. 27,000/= per month

q. Jackline Stipend- Ksh. 15,000/= per month

r. Miscellaneous- Ksh.20, 000/= per month.

Total Expenditure -Ksh.425, 000/= per month

26. She asserted that KRA has constantly audited the income and allowed her to pay between Ksh.3, 150/= and Ksh.6000/= as rent income tax confirming that indeed there is nothing that comes from the estate.

27. In response, George Kinoti swore an affidavit dated 25th November 2025, stating that the Applicant's affidavit failed to properly account for the estate's income and expenditure, and that they sought expert input to assist the Court in arriving at a fair assessment and just reflection of the estate's income since the deceased's demise.

28. He therefore annexed a valuation report by Danco Limited Valuers dated 25th November 2025, showing that the estate has approximately Kshs. 11 million available for distribution to the beneficiaries.

Submissions

29. The Applicant submitted that the correct beneficiaries of the deceased estate are as listed in the summons herein.
30. She argued that Eunice Nkatha by her ensuing death and divorce is not a beneficiary of the estate. She contended that a divorced wife does not qualify and is not entitled to benefit under intestacy. To buttress her submissions, the Applicant relied on the cases of **FEO v ACO (Sued as Co-Administratrix of the Estate of the Late BPO) [2024] KEHC 14889 (KLR); JLM vs. JJ - High Court Succession cause No. 82 of 2012 at Kitale; Re Estate of TKG (Deceased) [2014]; eKLR/In re Estate of Fredrick Rephas Omukoko (Deceased) [2025] KEHC 1575 (KLR)**
31. Regarding the properties available for distribution in the estate, the Applicant submitted that only property that is proved to belong to the deceased may be included in the estate for purposes of succession. To buttress her submissions, the Applicant cited Section 26 of the Land Registration Act, **Adan Chuda Sode v Madina Oshe Jira & another [2021]e**

KLR & Josephat Kibanya Ngobia & 3 others
v Alice Kaguyu Gakuu & 3 others [2014] eKLR.

32. The Applicant therefore submitted that only the properties she identified, verified, and filed should form part of the estate.
33. On the most reasonable and lawful mode of distribution of the estate, the Applicant submitted that the equal and fair mode of distribution of the estate of the deceased is the individual approach to distribution and not the reliance of households given the excessive division among the members of the family.
34. The Applicant argued that being the sole surviving spouse of the deceased pursuant to Section 35 of the Law of Succession Act, she is entitled to all the deceased's personal and household effects absolutely without limitation or division among the children, and a life interest in the whole residue of the estate. To bolster this position, the Applicant placed reliance on the case of **In Re the Estate of D W R [2014] eKLR.**
35. The Applicant submitted that the deceased's children upon eventual determination of her life interest should inherit equally

the capital in accordance with Sections 35(5) and 38 of the Law of Succession Act.

- 36.** In urging this Court to order equal distribution of the estate among the deceased's children, the Applicant referred this court to the cases of **Rono v Rono & another** [2005] KECA 326 (KLR) & **In re Estate of Monica Wamaitha Kihara (Deceased)** [2025] KEHC 16423 (KLR).
- 37.** The Applicant proposed that each child receives an equal share of the estate with her being regarded as an additional unit; that where properties are indivisible, they be sold and the proceeds shared equally; and that liquid assets, including bank balances, be transferred to her as part of her life interest absolutely.

Issues for determination

- 38.** The following issues were agreed upon by the parties as the issues to be determined by this court;

- a. The status of Eunice Nkatha and if she has a right to inherit.
- b. The distribution of the undisputed assets.
- c. The status of disputed assets and if available for distribution.

Analysis

39. It is the applicant's case that Eunice Nkatha was married to the deceased as a second wife, but that she and the deceased permanently separated in January 1970 and was subsequently legally divorced in 1974. In proof thereof, the Applicant annexed copies of Meru CM Divorce Cause No. 2 of 1974, proceedings and certified extracts of the court register.
40. The respondents on their part asserted that the deceased and Eunice Nkatha never legally dissolved their marriage prior to the deceased's demise, and that the purported divorce proceedings are an afterthought, devoid of the court's signature, stamp, or seal, and unsubstantiated by any decree nisi or decree absolute duly issued by the court.

41. I have gone through the annexures relied upon by the Applicant. The court extract reflects the year 1974 and includes the deceased and Eunice Nkatha among the listed parties, but the remarks section simply read “orders as prayed,” with no clarity on the specific orders granted.
42. As regards to the said divorce proceedings, the same are not duly certified. In fact my sister, Hon. Justice A. Ong’ingo, in her ruling dated 27.4.2017 in respect to the said divorce proceedings, made the following observation:-

“The annexed copy of proceedings in Divorce Cause No.2 of 1974 is not certified so that the court can take note of them as authentic and it is therefore necessary that evidence is called to prove that the divorce which 4th Petitioner has claimed took place. 4th Petitioner has a right to be heard as the matter to verify the authenticity of the proceedings”

43. I have also seen a letter by the Judiciary dated 3rd October, 2025 stating that records related to the aforementioned Divorce cause are untraceable.
44. As it stands, the said divorce proceedings cannot be relied upon. It is trite that he who alleges must prove, and it was

therefore incumbent upon the Applicant, being aware of this legal burden, to place before the court cogent evidence in support of her position. In the absence of such evidence, there is nothing to show that the deceased divorced Eunice Nkatha prior to his demise.

45. Section 29 (a) of the Law of Succession Act states that a dependant means the wife or wives, or former wife or wives, and the children of the deceased whether or not maintained by the deceased immediately prior to his death.

46. **Section 40** of the Law of Succession Act stipulates that:

(1) Where an intestate has married more than once under any system of law permitting polygamy, his personal and household effects and the residue of the net estate shall, in the first instance, be divided among the houses according to the number of children in each house, but also adding any wife surviving him as an additional unit to the number of children.

(2) The distribution of the personal and household effects and the residue of the net intestate estate within each house shall then be in accordance with the rules set out in sections 35 to 38.”

47. Then section 35 (5) of the Act states as follows;

(5) Subject to the provisions of sections 41 and 42 and subject to any appointment or award made under this section, the whole residue of the net intestate estate shall on the death, or, in the case of a widow, re-marriage, of the surviving spouse, devolve upon the surviving child, if there be only one, or be equally divided among the surviving children.

48. It is agreed that Eunice Nkatha died on 5th January, 2023.

The 1st Respondent, Rose Mbaah Kaume and her brother Enos Ntombura are personal representatives of her estate by dint of letters of administrations ad litem issued to them on 28th August, 2023.

49. In this case, the interest Eunice Nkatha in the estate was that of a spouse. Such interest cannot be equated to her own/ personal estate. Her interest in the estate herein terminated upon her death and her interest reverted to the estate of the deceased and not her estate. That is what section 35(5) of the Act stipulates.

50. Therefore, the administrators of the estate of Eunice Nkatha have no business in claiming any share on behalf of her estate. They can only deal with her personal estate but not her interest as a spouse to the deceased, which is now extinguished.

51. A finding to the contrary would create a legal and social problem. It would allow siblings of a spouse to meddle into matters that don't concern them. The degree of consanguinity is well set out by the law.

52. Having stated the above, it is necessary to reiterate that the status of the children of the deceased with Eunice Nkatha, including . They are, by law are entitled to a share of the

estate. They do not lay a claim through their mother but as children of the deceased.

53. In light of the above, I find that Eunice Nkatha was a second wife of the deceased herein but her interest as a spouse was extinguished upon her demise. The interest reverted to the estate.

54. That said, I would also hasten to add that it is only the children of Eunice Nkatha with the deceased that stand to benefit from the estate. Therefore, if she bore other children elsewhere, then those children are not considered to be children of the deceased.

55. The parties seem to be in agreement as to the children of the deceased, including those he had with Eunice. I find that these children are the ones entitled to the estate.

56. In concluding this issue, it is my finding that the persons entitled of the estate are all the children of the deceased and the surviving widow.

57. Having dealt with the elephant in the room, I will now move to the next issue, the identification of the assets available for distribution and the distribution thereof.

58. I note that the undisputed assets of the deceased are twenty-nine (29) in number as set out by the Applicant in the aforementioned affidavit in support of the summons herein. There are supporting documents on record demonstrating that the listed assets belonged to the deceased.

59. However, regarding the Shares and stocks held under CDSC ACC. No.B02/B- 0000000873063/LI-0B & any other shares and stocks; proceeds in all bank of Kenya Ltd (ABSA Bank Kenya PLC) Acc No. 013771267-Meru Branch; & Motor Vehicles Registration Nos. KNG 603, KAC 049 B & KAH 586U, I note that their status and ownership details have not been availed in compliance with this Court's orders issued on 6th August, 2025

60. In relation to the estate's accounts, the 2nd Respondent annexed a valuation report by Danco Limited dated 25.11.2025

indicating that Kshs. 11 million is available for distribution, which position is uncontested.

61. I have also noted the Applicant's contention that she significantly contributed to the development of the estate, vis-à-vis the 1st Respondent's assertion that that Eunice Nkatha, upon marriage, took care of the deceased's first wife's five children and assumed the onerous burden of combining motherhood with the growth of the family business.

62. However, distribution in polygamous estates is guided by the provisions of Section 40 of the Act and not the subjective or proportional contribution of the parties to the marriage.

63. Therefore, guided by the provisions of **Section 40(1)** of the **Law of Succession Act**, the estate herein ought to be distributed equally amongst the children of the deceased and the surviving widow as an additional unit.

64. The principles applicable were expounded in the case of **Rono vs Rono Civil Appeal No. 66 of 2002**, where **Waki J.A.** stated inter alia that;-

“More importantly, section 40 of the Act which applies to the estate makes provision for distribution of the net estate to the “houses according to the number of children in each house, but also adding any wife surviving the deceased as an additional unit to the number of children.” A “house” in a polygamous setting is defined in section 3 of the Act as a “family unit comprising a wife and children of that wife.”

65. In the case of **Esther Wanjiku Burugu vs Margaret Wairimu Burugu Civil Appeal No. 319 of 2002**, the Court of Appeal sitting in Nakuru observed that the provision does not state that the division of the estate must be equal and that it specifically states that although the distribution of the estate of a polygamous person is in the first instant to be among the houses, it nonetheless specified that that would be done according to the number of children in each house.

66. In **Re Estate of John Musambayi Katumanga - Deceased [2014] eKLR** the court held as follows:

“The spirit of Part V, especially Sections 35, 38 and 40, is equal distribution, of the intestate estate amongst the children of the deceased. There have been debates on whether the distribution should be

equal or equitable. My reading of these provisions is that they envisage equal distribution for the word used in Sections 35(5) and 38 is 'equally' as opposed to 'equitably'. This is the plain language of the provisions. The provisions are in mandatory terms - the property "shall ... be equally divided among the surviving children." Equal distribution is envisaged regardless of the ages, gender and financial status of the children."

67. The estate of the deceased is survived by one widow and twelve children, four of whom are deceased. The share of the deceased children will be by law be taken up by their own children where applicable.
68. In light of the above provision of the law, the authorities and taking into account the parties' respective modes of distribution and the value and acreage of the undisputed assets, I find that it is just and equitable for the undisputed properties to be shared equally among all beneficiaries.
69. Now, it is a matter of judicial notice that some beneficiaries may be occupying certain portions of the estate. it is important that there is minimal disturbance to such beneficiaries.

However, without much information coming from the parties, I would be making a blind guess in determining who gets what.

70. In my view the best way forward is for the parties to sit and now agree on what each beneficiary will take up, guided by what I have stated above. They shall be guided by the following directions;

- a) All the beneficiaries including the surviving widow, shall benefit equally from the estate.**
- b) The matrimonial home and the land thereon shall be distributed to the surviving widow.**
- c) Any beneficiary who wishes to take up a particular property, and there is no objection shall be allowed to take it up, but subject to consideration of its value when being apportioned any other property.**
- d) Two or more beneficiaries may also take up one property, subject to the same terms as (b) above.**
- e) In the event that there is any property that is incapable of sub-division or any that the parties agree to dispose of, then they should inform the**

court for issuance of orders for such disposal, and in that case the parties will share such proceeds equally.

f) As for the money in the bank, the same should be shared equally among all the beneficiaries.

71. With respect to Shares and stocks held under CDSC ACC. No.BO2/B- 0000000873063/LI-0B & any other shares and stocks; proceeds in all bank of Kenya Ltd (ABSA Bank Kenya PLC) Acc No. 013771267-Meru Branch; & Motor Vehicles Registration Nos. KNG 603, KAC 049 B & KAH 586U, distribution thereof shall be held in abeyance until the requisite documents are furnished.
72. As regards the disputed assets, I concur with the Applicant's view that they do not form part of the estate and are unavailable for distribution. However, if proven otherwise, then they shall also be distributed as outlined above.
73. Other orders shall follow once the parties have complied with the above directions.
74. Orders accordingly.

Dated, signed and delivered at Meru this 30th day of April, 2026.

H. M. NYAGA

JUDGE