



REPUBLIC OF KENYA



**Kariuki & 4 others v Kariuki & 13 others (Succession Cause
474 of 2004) [2025] KEHC 4078 (KLR) (27 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 4078 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE 474 OF 2004
DKN MAGARE, J
MARCH 27, 2025**

IN THE MATTER OF THE ESTATE OF KARIUKI WAMBUGU (DECEASED)

BETWEEN

**ANN MUTHONI KARIUKI & 4 OTHERS & 4 OTHERS & 4
OTHERS APPLICANT**

AND

**LILIAN RUGURU KARIUKI & 13 OTHERS & 13 OTHERS & 13
OTHERS RESPONDENT**

RULING

1. The Surveyor went to the ground to ascertain the status for purposes of subdivision. The parties appear keen to have others in a rocky area. The net effect is that the professional advice of the surveyor was that 1.011 Ha of land is not arable or is deemed as rocky.
2. The said parcel cannot be subdivided into 19 portions. It is thus not possible to share the rocky parts equally. In keeping with the agreement between the parties, I make the following orders:-
 - a. The grant be rectified as per Map No. 2 with amendments as per C before.
 - b. The land subdivision shall respect as much as possible the current occupation in terms of position.
 - c. The parcel measuring 1.011 Ha shall be divided into 2, to be shared in the ratio of 12:7 between the first and second house respectively.
 - d. The beneficiaries to choose in whose names the said common area is to be registered or the court shall appoint.
 - e. The portions being common shall be for use by members of each house equally.



- f. The County Surveyor to complete Map “B” with the aforesaid amendments.
- g. The administrators to complete transmission by 25/9/2025.

HON. KIZITO MAGARE

JUDGE

27.3.25

Ann Muthoni Kariuki

John Kimani Kariuki and Stanley Kabaiku Kariuki

Grace Wanjiku

I have no opinion.

Court

The 2nd house appears to have disunity and disingenuity. In the circumstances, their share of the common area shall be registered in the names of the administrator in trust for them.

The file is closed.

