



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Sarah Ncurubi M’ugambi (Deceased) (Succession Cause
89 of 2008) [2024] KEHC 3016 (KLR) (21 March 2024) (Ruling)**

Neutral citation: [2024] KEHC 3016 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT MERU

SUCCESSION CAUSE 89 OF 2008

TW CHERERE, J

MARCH 21, 2024

IN THE MATTER OF SARAH NCURUBI M’MUGAMBI (DECEASED)

AND

**IN THE MATTER OF REDISTRIBUTION OF THE SHARE
FOR PATRICK KINANKAU (DECEASED BENEFICIARY)**

IN THE MATTER OF

TABITHA G. NJIRU APPLICANT

RULING

1. The Certificate of Confirmation in this cause was issued on November 20, 2015 distributing one of Deceased’s assets namely LR. Ontulili/Ontulili Block 1/Katheri/613 as follows:
 - a. 2 acres to Patrick Kinankau
 - b. Balance to Timothy Muthaura
2. By summons dated December 11, 2023, Tabitha G.Njiru (Applicant) seeks the following orders: that:
 1. The name of Timothy Muthaura be rectified to read Timothy M. Muthaura Mugambi
 2. LR. Ontulili/Ontulili Block 1/Katheri/613 be distributed wholly to Timothy M. Muthaura Mugambi
3. The summons is based on the ground that James P.K.Mugambi alias Patrick Kinankau alias James Mugambi alias James K.Mugambi is deceased.
4. The summons is also supported by an affidavit sworn by the Applicant on December 11, 2023 to which is annexed a certificate of death dated 08th April, 2019 in the name of James Mugambi, a copy of an ID card for Timothy M. Muthaura Mugambi and chief’s letter dated September 17, 2023 indicating that James Mugambi was survived by his siblings among them Timothy M. Muthaura Mugambi.



5. Applicant additionally filed a further supporting affidavit sworn on 12th March, 2023 to which is annexed two search certificates for LR. Ontulili/Ontulili Block 1/Katheri/2810 and 2811 which are subdivisions of LR. Ontulili/Ontulili Block 1/Katheri/613 both in the name of the Applicant as the administrator.
6. I have considered the summons in the light of the court record and the supporting affidavit.
7. It has been demonstrated that Timothy Muthaura has an ID card in the name of Timothy M. Muthaura Mugambi and the rectification of his name is therefore merited.
8. It has also been demonstrated by a certificate of death dated April 8, 2019 that a beneficiary by the name of James P.K.Mugambi alias Patrick Kinankau alias James Mugambi alias James K.Mugambi is deceased and was only survived by his siblings among them Timothy M. Muthaura Mugambi. Redistribution of his share is therefore justified.
9. Consequently, it is hereby ordered that:
 1. The Land Registrar Meru is directed to cancel title numbers LR. Ontulili/ontulili Block 1/katheri/2810 And Lr. Ontulili/Ontulili Block 1/Katheri/2811 and revert them to LR. Ontulili/Ontulili Block 1/Katheri/613 In the Name of Sarah Ncurubi M'mugambi
 2. Subsequently, LR. Ontulili/Ontulili Block 1/Katheri/613 shall be transmitted wholly to Timothy M. Muthaura Mugambi
 3. Certificate of Confirmation of Grant dated November 20, 2015 shall be rectified accordingly
 4. Mention on September 19, 2024 to confirm compliance with these orders and transmission of the estate

DATED AT MERU 21ST DAY OF MARCH, 2024

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Petitioner/Applicant - Ms. Athieno for J.K.Ntarangwi & Co. Advocate

