



In re Estate of Esther Wanjiku alias Esther Karimi Chege alias Esther Karimi Wanjiku Chege (Deceased) (Succession Cause 27 of 2007) [2024] KEHC 5562 (KLR) (25 April 2024) (Ruling)

Neutral citation: [2024] KEHC 5562 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 27 OF 2007**

TW CHERERE, J

APRIL 25, 2024

**IN THE MATTER OF THE ESTATE OF ESTHER WANJIKU ALIAS ESTHER
KARIMI CHEGE ALIAS ESTHER KARIMI WANJIKU CHEGE (DECEASED)**

AND

IN THE MATTER OF AN APPLICATION FOR RECTIFICATION

IN THE MATTER OF

KENNETH GITONGA MWENDWA PETITIONER

RULING

1. The Certificate of Confirmation of Grant in this matter was issued on 30th January, 2012 reveals that the deceased's estate comprised in LR. Nkuene/Uruku/405 was distributed in equal shares to Geoffrey Kimathi Mwendwa, Julius Muthuuri Mwendwa and Japhet Kaburu Mwendwa.
2. The certificate of search for the said asset reveals that it has to date not been distributed and remains in the name of the deceased.
3. Evidence in the form of certificates of death have been filed to demonstrate that the three beneficiaries namely Geoffrey Kimathi Mwendwa, Julius Muthuuri Mwendwa and Japhet Kaburu Mwendwa are now deceased.
4. By summons dated 16th October, 2023, Kenneth Gitonga Mwendwa (Petitioner/Applicant) seeks orders that LR. Nkuene/Uruku/405 be distributed to the beneficiaries of Geoffrey Kimathi Mwendwa, Julius Muthuuri Mwendwa and Japhet Kaburu Mwendwa whom he has listed in his affidavit sworn on 16th October, 2023.
5. Having considered the summons, I find that it is not merited for the reason that this matter relates to the estate of Esther Wanjiku alias Esther Karimi Chege alias Esther Karimi Wanjiku Chege (Deceased) and not the estates of Geoffrey Kimathi Mwendwa, Julius Muthuuri Mwendwa and Japhet Kaburu Mwendwa.



6. In the interest of justice however, it is hereby ordered as follows;
 1. LR Nkuene/Uruku/405 shall be distributed as follows:
 - a. 1/3rd to the estate of Geoffrey Kimathi Mwendwa
 - b. 1/3rd to the estate of Julius Muthuuri Mwendwa
 - c. 1/3rd to the estate of Japhet Kaburu Mwendwa
 3. Rectified Certificate of Confirmation to issue
 4. Mention on 19th September, 2024 to confirm transmission

DATED AT MERU THIS 25TH DAY OF APRIL 2024.

WAMAE. T. W. CHERERE

JUDGE

Appearances

Court Assistants - Kinoti/Munene

For Petitioner/Applicant -Mr. Muriira for Steve Muriira & Co. Advocates

