



Case Number:	Succession Cause 91 of 2011
Date Delivered:	26 Feb 2019
Case Class:	Civil
Court:	High Court at Meru
Case Action:	Ruling
Judge:	Anne Apondi Ong'injo
Citation:	In re Estate of Simon Anampiu M'murug (Deceased) [2019] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Family
History Magistrates:	-
County:	Meru
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
<p>The information contained in the above segment is not part of the judicial opinion delivered by the Court. The metadata has been prepared by Kenya Law as a guide in understanding the subject of the judicial opinion. Kenya Law makes no warranties as to the comprehensiveness or accuracy of the information.</p>	

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

SUCCESSION CAUSE NO. 91 OF 2011

IN THE MATTER OF ESTATE OF SIMON ANAMPIU M'MURUGU (DECEASED)

RAEL KAARI M'ANAMPIU.....PETITIONERS

ELIAS GITONGA M'ANAMPIU

VERSUS

STANLEY MATHIU ANAMPIU

BENJAMIN KANYINYIU ANAMPIU.....PROTESTERS

PETER GITONGA M'ANAMPIU

RULING

Application dated 1st August 2018 was brought by the protesters herein seeking that Letters of Administration issued to Elias Gitonga M'Anampiu and Florence Mukethi be rectified as follows:-

a) That LR No. Nyaki/Munithu/290 be redistributed equally among all heirs to the estate of the deceased as captured in confirmed grant.

b) That LR Nyaki/Kithoka – Mwanika/26 be distributed equally amongst heirs to the estate of the deceased as listed in confirmed grant.

Directions were taken that application be canvassed by way of written submissions. However as at 18th February 2019 no submissions had been filed. The court therefore reverted to the affidavits sworn by applicant Peter Mutayia in support of the application on 1.8.2018 and Benjamin Kanyinyiu sworn on 29th October 2018 to determine the application.

This court has considered the affidavits sworn by the applicant and Benjamin Anampiu as well as the reason as to why distribution was done in the manner that it appears in the certificate of confirmation and it is the view of this court that that determination was reached after the court established that the protesters

were distributing the estate to their cousins and left out the daughters of the deceased. It was established as shown in the ruling that LR. No. Nyaki/Kithoka/26 was being occupied and utilised by Cecilia Mukuba's mother and Benjamin Kanyinyiu confirmed that Rose Kananu also stayed on LR. Kithoka/26.

They confirmed that Stanleys son, Joshua Muriki was the other person who occupied a portion of LR Kithoka/26. The court therefore said that that portion occupied by Joshua should be identified so it is transmitted to him.

The issue of deceased persons wishes that his children share the estate equally never arose at the hearing of the protest and in fact the protesters proposal left out the deceased persons daughters and that claim can only be treated as an afterthought. The applicants seems to feel that they are more entitled than the deceased persons daughters.

I find no merit in the application dated 1st August 2018 and the same is dismissed with no orders as to costs.

HON. A.ONG'INJO

JUDGE

RULING DELIVERED, DATED AND SIGNED IN COURT ON 26TH FEBRUARY 2019.

In the presence of:

C/A: KINOTI

Petitioner:- Mr Ringera Advocate for 1st Petitioner N/A

2nd Petitioner –Present in person


Protester:- Mr Kithinji holding brief for Munene for applicants.

Court:

Copies of ruling to be supplied upon payment of copying charges

HON. A.ONG'INJO

JUDGE

 While the design, structure and metadata of the Case Search database are licensed by [Kenya Law](#) under a [Creative Commons Attribution-ShareAlike 4.0 International](#), the texts of the judicial opinions contained in it are in the [public domain](#) and are free from any copyright restrictions. Read our [Privacy Policy](#) | [Disclaimer](#)