



REPUBLIC OF KENYA



**In re Estate of Beth Wambui Kagiri (Deceased) (Succession Cause 1436 of 2018)
[2024] KEHC 15471 (KLR) (Family) (29 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 15471 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1436 OF 2018
EKO OGOLA, J
OCTOBER 29, 2024
IN THE MATTER OF THE ESTATE OF BETH WAMBUI KAGIRI (DECEASED)**

RULING

1. The deceased died intestate on 7th February 2013. She was survived by three children: Joseph Njogu Mathenge Wambui, Rose Nyambura Wambui, John Maina Wambui and two grandchildren, Michael Njogu Muthoni and Tevin Njogu. Grant of Letters of Administration was issued on 9th January 2020 to Joseph Njogu Mathenge Wambui and Rose Nyambura Wambui.
2. On 9th September 2021, Rose Nyambura Wambui applied for confirmation of grant. According to her affidavit sworn on even date, she deposed that her co-administrator, Joseph Njogu and her younger brother John Maina were disinterested in distributing the deceased estate. Consequently, she proposed a mode of distribution of the estate.
3. In response, Joseph Njogu filed a Replying Affidavit and proposed his mode of distribution.
4. During the hearing, Joseph Njogu and his counsel did not make an appearance. Rose Nyambura, as PW1, testified that they had agreed on how the estate should be distributed. The disagreement was on one property.

Determination

5. I have considered both proposals for the mode of distribution of the estate. The uncontested properties are as follows:

Uncontested mode of distribution



	Property	Beneficiaries	Share
1	Slaughter House at Kiamiko plot 473	Joseph Njogu Mathenge Wambui Rose Nyambura Wambui John Maina Wambui Michael Njogu Muthoni Tevin Njogu	In equal share
2	Gilgil plot 75/70-1 acre	Joseph Njogu Mathenge Wambui Rose Nyambura Wambui John Maina Wambui Michael Njogu Muthoni Tevin Njogu	In equal share
3	Plot in Ngong area	Joseph Njogu Mathenge Wambui Rose Nyambura Wambui John Maina Wambui Michael Njogu Muthoni Tevin Njogu	In equal share
4	Nakuru Highway Elementaita 2 acres No. 53/13	Joseph Njogu Mathenge Wambui Rose Nyambura Wambui John Maina Wambui Michael Njogu	In equal share



		Muthoni Tevin Njogu	
5	Wacharo adjudication plot No. 8 & plot No. 1467	Joseph Njogu Mathenge Wambui Rose Nyambura Wambui John Maina Wambui Michael Njogu Muthoni Tevin Njogu	In equal share

6. The administrators did not agree on how the eight properties should be divided. Rose Nyambura proposed that seven properties should be divided amongst the five beneficiaries and Kekopey Ranch 5 acres plot No. G.207, parcel No. 2016, should be used for administration, legal and surveyor fees, as well as transfer fees.
7. On the other hand, Joseph Njogu proposed that the remaining properties should be divided among the beneficiaries separately. As for Kekopey Ranch 5 acres plot No. G.207, parcel No. 2016, Joseph Njogu proposed that the same should be divided to the five beneficiaries jointly in equal shares.
8. The administrators did not give reasons for their mode of proposal. Taking into consideration that the beneficiaries are in agreement, the remaining properties shall be distributed in the following manner:-



	Property	Beneficiaries	Share
1	Mathare North- 8 rooms-Beth village 32	Rose Nyambura Wambui John Maina Wambui	In equal share
2	Mathare Roundabout- 7 rooms house No. B26/2	Joseph Njogu Mathenge Wambui	Absolutely
3	Huruma 2 rooms	Rose Nyambura Wambui John Maina Wambui	In equal share
4	Kibera Lindi Village- 24 rooms	Michael Njogu Muthoni Tevin Njogu	In equal share
5	Kayole Muungano Block 10J	John Maina Wambui	Absolutely
6	Kayole Muungano plot 98	Rose Nyambura Wambui	Absolutely
7	Kayole Muthaiga plot No. 78	Joseph Njogu Mathenge Wambui	Absolutely
8	Kekopey Ranch 5 acres plot No. G.207, parcel No. 2016	Joseph Njogu Mathenge Wambui Rose Nyambura Wambui John Maina Wambui Michael Njogu Muthoni Tevin Njogu	In equal share

9. The beneficiaries shall contribute equally to the legal, survey, and transfer costs.

10. There will be no orders as to costs.

Orders accordingly.

DATED AND DELIVERED AT NAIROBI THIS 29TH DAY OF OCTOBER 2024

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E.K. OGOLA

JUDGE

In the presence of:



Mr. Aswani 1st Administrator

Ms Gisiele M court Assistant

