



REPUBLIC OF KENYA



In re Estate of Martin J. Karanja alias Martin Muthee Karanja (Deceased) (Probate & Administration E883 of 2024) [2024] KEHC 14839 (KLR) (Family) (28 November 2024) (Ruling)

Neutral citation: [2024] KEHC 14839 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

PROBATE & ADMINISTRATION E883 OF 2024

H NAMISI, J

NOVEMBER 28, 2024

**IN THE MATTER OF THE ESTATE OF MARTIN J. KARANJA
ALIAS MARTIN MUTHEE KARANJA (DECEASED)**

IN THE MATTER OF

PATRICIA WAINOE KARANJA 1ST PETITIONER

JOSEPH KARANJA WAMBUI 2ND PETITIONER

ESTHER WANGU KARANJA 3RD PETITIONER

RULING

1. The Deceased herein passed away on 8 August 2024 in Nairobi. He died intestate. The Petitioners have presented a Petition for Special Limited Grant dated 22 October 2024. The same is presented in their capacity as the surviving children of the Deceased. The only other Beneficiary named is their mother, Charity Wambui Muratha, the widow.
2. The Petition is supported by an Affidavit sworn jointly by the Petitioners. The Petitioners aver that prior to his demise, the Deceased entered into a agreement with Impel Design Limited for the construction of a house on his property LR Number 2259/835. The construction which began on 5 February 2024 was set to be completed on 30 September 2024. By the time of the Deceased's demise, the said construction was in the final stages, but stalled due to an outstanding payment of Kshs 5,211,457/=. The Petitioners aver that the contract is at risk of being terminated by the Contractor due to the outstanding payment. In particular, the Petitioners have referred to clause 26 of the attached Agreement which provides for termination of the Agreement
3. In the premise, the Petitioners pray to access the Deceased's bank account held at Equity Bank with a view to obtaining monies to be able to settle the outstanding payment.



4. In addition to the Agreement dated 2 February 2024, the Petitioners have provided a letter from the Chief, Karen Location indicates 4 surviving heirs to the Deceased, the 3 Petitioners herein and their mother. There is a consent signed by the Widow, Charity Wambui Muratha. Also attached is a Statement of Account for the Construction Work from Impel Design Ltd dated 14 October 2024.
5. Sections 54 and 67 (1) of the Law of Succession Act, Cap 160 of the Laws of Kenya and Rule 36 of the Probate and Administration Rules provide the circumstances under which a Special Limited Grant may be issued by the Court.
 - (54) A court may, according to the circumstances of each case, limit any grant of representation which it has jurisdiction to make, in any of the forms described in the Fifth Schedule to this Act.
 - (67)
 - (1) No grant of representation, other than a Limited Grant for Collection and Preservation of Assets, shall be made until there has been published notice of the application of such grant, inviting objections thereto to me made known to the court within a specified period of not less than thirty days from the date of publication, and the period so specified has expired.
 - (36)
 - (1) Where, owing to special circumstances the urgency of the matter is so great that it would not be possible for the court to make a full grant of representation to the person who would by law be entitled thereto in sufficient time to meet the necessities of the case, any person may apply to the court for the making of a grant of administration ad colligenda bona defuncti of the estate.
6. I have considered the Application and attachments. I have also considered that the size of the estate has not been fully established. The authority to access the money in the accounts should be limited to the construction costs as enumerated in the Application.
7. In order to preserve the assets of the estate, the access granted to the Applicants shall be limited to Equity Bank, Karen Branch Account number 1250XXXXXXXXXXXX881, and for the amount presently required for the completion of the construction on LR No. 2259/835, which is Kshs 5,211,457/=. The said sums shall be paid to Impel Design Ltd as per the bank details provided in the Agreement dated 2 February 2024.
8. Any further dealing with the estate of the Deceased must be with the authority of the Court or upon full grant of representation.
9. In summary, I invoke the powers vested in this court by Rule 73 of the Probate and Administration Rules and make the following orders:-
 - i. That a Special Limited Grant be and is hereby issued to the Petitioners only for purposes of facilitating the settlement of the outstanding payment for the construction work by Impel Design Ltd;
 - ii. That a sum of Kshs 5,211,457/= held in the Deceased's Equity Bank Account number 1250XXXXXXXXXXXX881 at its Karen Branch, be paid to Impel Design Ltd;
 - iii. This being a family matter I make no orders on costs.
10. The Manager of Equity Bank Ltd, Karen Branch shall be served with this Order for compliance.



DATED AND DELIVERED AT NAIROBI THIS 28 DAY OF NOV 2024

HELENE R. NAMISI

JUDGE

Delivered on virtual platform in the presence of:

Mr. Khisafor the Petitioners

