



REPUBLIC OF KENYA



**In re Estate of Protasio Njeru (Deceased) (Succession Cause
23 of 2023) [2023] KEHC 25798 (KLR) (23 November 2023) (Ruling)**

Neutral citation: [2023] KEHC 25798 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE 23 OF 2023**

TW CHERERE, J

NOVEMBER 23, 2023

IN THE MATTER OF THE ESTATE OF PROTASIO NJERU (DECEASED)

AND

**IN THE MATTER OF SUMMONS FOR CONFIRMATION OF GRANT
OF ADMINISTRATION TESTATE (WITH WILL ANNEXED).**

IN THE MATTER OF

SIGISMOND K. NJERU 1ST PETITIONER

HENRY PAUL IRERI NJERU 2ND PETITIONER

CHRISTINA WARUE NJERU 3RD PETITIONER

RULING

1. Protasio Njeru (Deceased) died sometimes on 09th April, 2023. The deceased was survived by the following:
 - a) Sigismond K. Njeru- widow
 - b) Lawrence Christopher Njeru- adult son
 - c) Antony Murithi Njeru- adult son
 - d) Christina Warue Njeru- adult daughter
 - e) Henry Paul Ileri Njeru- adult son
2. Deceased's estate comprised of the assets listed in schedule (A) and liabilities listed in schedule (B) annexed to this ruling.



3. The Grant of Letters of Administration Intestate herein was made to t Sigismond K. Njeru, Henry Paul Ireri Njeru and Christina Warue Njeru, respectively in their capacity as widow, son and daughter and executors of deceased written will on 14th November, 2023.
4. Certificate of Urgency, the Applicants have sought early confirmation of grant citing the following grounds That:
 1. The deceased left behind a very large estate dealing in Coffee, Tea and Macadamia manufacturing and processing and the estate has not been able to proceed to operate in the absence of the deceased due to the many legal technicalities involved.
 2. The estate has been totally crippled and has so far accrued a colossal debt of Kshs. 2,442,723,190/- (Two billion, four hundred forty-two million, seven hundred twenty-three thousand, one hundred ninety.
 3. The estate has been totally unable to service its facilities from various banks and has been served with demand letters from I &M bank, and other banks which actions shall unless arrested by this courts orders shall put the estate at a risk of being exploited through auctions or liquidation
 4. The three Executors herein have sought to procure additional capital for the estate through new financiers who have accepted their proposal subject to provision of securities
 5. The new financiers namely, Belgian Development Co-operation & Family Bank Ltd have accepted the proposal to entirely buy off the current outstanding bank loans and set the estate for a fresh start in all its going concern.
 6. The Executors do hold the following properties in Trust for the purpose of charging the following properties to the new financiers to preserve the remaining Estate.
 - i. Ntima/Igoki/1880
 - ii. Ntima/Igoki/4331
 - iii. Ntima/Igoki/4007
 - iv. Ntima/Goki/4330
 - v. Ntima/Igoki/2050
 - vi. Ntima/Igoki/2134
 - vii. Ntima/Igoki/2136
 - viii. Ntima/Igoki/779
 - ix. Ntima/Igoki/2135
 - x. Nyambene/Kirindinea/4598
 - xi. Nyambene/Kirindina/2799
 - xii. Nyabene/Kirindinea/1146
 - xiii. Nyambene/Kirindinea/74
 - xiv. Nyambene/Kirindinea/118
 - xv. Nyambene/Kirindinea/169



- xvi. Nyambene/Kirindinea/141
- xvii. Nyambene/Kirindinea/88
7. The Executors transfer to Sigismond K. Njeru the property Tigania East/Ankamia2053 (formerly Plot No. 2053 Ankamia Adjudicated Section) for charging to preserve the estate and for distribution at a future date.
8. That the widow, Sigismond K. Njeruis very sick and urgently needs to undergo an operation and the money for paying for her surgery can only be found if the executors are facilitated by this court to raise fresh capital for the estate to run the businesses.
5. Section 71 (3) of the [Law of Successions Act](#) as follows:
- 71 (3). The court may, on the application of the holder of a grant of representation, direct that such grant be confirmed before the expiration of six months from the date of the grant if it is satisfied —
- a) that there is no dependent, as defined by section 29, of the deceased or that the only dependents are of full age and consent to the application;
- b) that it would be expedient in all circumstances of the case so to direct.
6. The three executors of Deceased's will have demonstrated by their joint affidavit sworn on 16th November, 2023 in support of the summons that the other two beneficiaries namely Lawrence Christopher Njeru and Antony Murithi Njeru who are adult sons of the deceased, have consented to the proposed distribution of the estate set out in paragraphs 10, 20, 21, 22, 23 and 24 of the supporting affidavit.
7. The court has confirmed that the estate assets have been identified, and that the distribution complies with the deceased's wishes as per his written will.
8. This court accepts the reason for urgency given by the applicants being the need to provide medical care to the widow of the deceased but more importantly to preserve from going to waste for purposes of confirmation upon expiry of six months prescribed in section 71 (1) of the [Law of Succession Act](#) as sufficient cause for the early confirmation of the Grant under the exception of section 71 (3) of the Act.

Orders

9. Accordingly, for the reasons set out above, the court confirms the Grant of Probate made on 14th November, 2023 before the expiry of the six months' period, pursuant to section 71 (3) of the [Law of Succession Act](#) and on account of the urgency demonstrated in the application as per the instructions of the deceased in the Will as follows:

Immovable Property

1. LR Ntima/Igoki/1880 to be registered in the names of Sigismond.K. Njeru to hold in trust of Protasio Njeru Trust
2. LR Ntima/Igoki/4331 to be registered in the names of Sigismond.K. Njeru to hold in trust of Protasio Njeru Trust
3. LR Ntima/Igoki/4007 to be registered in the names of Sigismond.K. Njeru to hold in trust of Protasio Njeru Trust



4. LR Ntima/Igoki/2050 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
5. LR Ntima/Igoki/2134 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
6. Ntima/Igoki/2136 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
7. LR Ntima/Igoki/779 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
8. LR Ntima/Igoki/2135 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
9. LR Ntima/Igoki/2043 to be Registered in the name of Nyambene Coffee Estate Limited (not available for distribution)
10. LR Kiegoi/Kinyanka/544 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
11. LR Kiegoi/Kinyanka/649 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
12. LR Kiegoi/Kinyanka/723 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
13. LR Kiegoi/Kinyanka/1189 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
14. LR Kiegoi/Kinyanka/690 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
15. LR Kiegoi/Kinyanka/1586 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
16. LR Kiegoi/Kinyanka/199 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
17. LR Kiegoi/Kinyanka/1080 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
18. LR Kiegoi/Kinyanka/1585 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.



19. LR Kiegoi/Kinyanka/701 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru
20. LR Nyambene/KirindineA/4598 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru Nyambene/KirindineA/2799 of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
21. LR Nyambene/KirindineA/1146 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru Nyambene/Kirindine A/2799 of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
22. LR Nyambene/KirindineA/74 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru Nyambene/KirindineA/2799 of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
23. LR Nyambene/KirindineA/118 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru Nyambene/KirindineA/2799 of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
24. LR Nyambene/Kirindinea/169 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru Nyambene/KirindineA/2799 of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
25. LR Nyambene/KirindineA/141 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru Nyambene/KirindineA/2799 of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
26. LR Nyambene/KirindineA/88 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru Nyambene/KirindineA/2799 of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
27. LR Nyaki/Giaki/60 Registered in the name of Master Macadamia EPZ Limited (not available for distribution)
28. LR Nyaki/Giaki/1148 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
29. LR Nyaki/Giaki/1635 Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
30. LR Nyaki/Giaki/1864 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
31. LR Nyaki/Giaki/2753 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust



32. LR Nyaki/Giaki/2408 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
33. LR Kiirua/Ruiri/1413 Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
34. LR Kiirua/Ruiri/1414 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
35. LR Kiirua/Ruiri/1504 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
36. LR Kiirua/Ruiri/1537 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
37. LR Kiirua/Ruiri/1538 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
38. LR Kiirua/Ruiri/1540 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
39. LR Kiirua/Ruiri/1541 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
40. LR Kiirua/Ruiri/1543 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
41. LR Kiirua/Ruiri/1544 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
42. LR Kiirua/Ruiri/1608 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
43. LR Kiirua/Ruiri/1609 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
44. LR Kiirua/Ruiri/1610 to be Registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries of Protasio Njeru Trust
45. LR Tigania East/Ankamia/5464 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
46. LR Tigania East/Ankamia/5476 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
47. LR Tigania East/Ankamia/5477 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
48. LR Tigania East/Ankamia/5474 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.



49. LR Tigania East/Ankamia/5480 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
50. LR Tigania East/Ankamia/5091 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
51. LR Tigania East/Ankamia/9532 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
52. LR Tigania East/Ankamia2053 (formerly Plot No. 2053 Ankamia Adjudicated Section) to be transferred to the name of Sigismund.K. Njeru and be charged to a financial institution to preserve the estate.
53. LR AmungentiA/1809 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
54. LR AmungentiA/12979 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
55. LR AmungentiA/12980 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
56. LR AmungentiA/13052 to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.
57. LR Amungenti- 50 Acres pending demarcation numbers to be registered in the names of Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru to hold in trust of all beneficiaries and Njeru Industries Ltd.

B. Movable Property

(a) Bank Accounts

Sums of money held in my account at Equity Bank Account Number 0195070736 - to be deposited in the Protasio Njeru Trust

(b) Shares

1. Njeru Industries 55,000 Shares to be held by the Executors Sigismund.K. Njeru, Christina Warue Njeru and Henry Paul Njeru in trust for the benefit of all beneficiaries until the formal creation of the Trust Deed
2. Nyambene Coffee Estates Limited to be held in the Protasio Njeru Trust
3. Nyambene Coffee Mills to be held in the Protasio Njeru Trust
4. Kiegoi Tea Factory Ltd to be held in the Protasio Njeru Trust
5. Michimikuru Tea Factory Ltd- Class A 458 Shares to be held in the Protasio Njeru Trust
6. Igembe Tea Factory Ltd to be held in the Protasio Njeru Trust
7. Angies Tea Ltd to be held in the Protasio Njeru Trust



8. Master Macadamia Ltd to be held by the Executors Sigismond.K. Njeru, Christina Warue Njeru and Henry Paul Njeru in trust for the benefit of all beneficiaries until the formal creation of the Trust Deed.
- (c) House Hold Items
1. Electronic Equipment to be distributed equally among the beneficiaries.
 2. Clothing to be distributed equally among the beneficiaries
 3. Furniture to be distributed equally among the beneficiaries
10. Upon transmission, the assets listed here below shall be charged for purposes of preserving the estate is allowed
1. Ntima/Igoki/1880
 2. Ntima/Igoki/4331
 3. Ntima/Igoki/4007
 4. Ntima/IGoki/4330
 5. Ntima/Igoki/2050
 6. Ntima/Igoki/2134
 7. Ntima/Igoki/2136
 8. Ntima/Igoki/779
 9. Ntima/Igoki/2135
 10. Nyambene/KirindineA/4598
 11. Nyambene/Kirindina/2799
 12. Nyabene/KirindineA/1146
 13. Nyambene/KirindineA/74
 14. Nyambene/KirindineA/118
 15. Nyambene/KirindineA/169
 16. Nyambene/KirindineA/141
 17. Nyambene/KirindineA/88
 18. LR Tigania East/Ankamia2053 (formerly Plot No. 2053 Ankamia Adjudicated Section)
11. Certificate of Confirmation of Grant shall issue accordingly.
12. Mention on 29th February, 2024 to confirm compliance with these orders
13. Costs shall be in the cause



SCHEDULE A

a. Immovable Assets

1. Ntima/Igoki/1880
2. Ntima/Igoki/4331
3. Ntima/Igoki/4007
4. Ntima/Igoki/4330
5. Ntima/Igoki/2050
6. Ntima/Igoki/2134
7. Ntima/Igoki/2136
8. Ntima/Igoki/779
9. Ntima/Igoki/2043
10. Ntima/Igoki/2135
11. Kiegoi/Kinyanka /544
12. Kiegoi/Kinyanka/649
13. Kiegoi/Kinyanka/723
14. Kiegoi/Kinyanka/1189
15. Kiegoi/Kinyanka/690
16. Kiegoi/Kinyanka/1586
17. Kiegoi/Kinyanka/199
18. Kiegoi/Kinyanka/1080
19. Kiegoi/Kinyanka/1585
20. Kiegoi/Kinyanka/701
21. Nyambene/Kirindine A/4598
22. Nyambene/Kirindine A/2799
23. Nyambene/Kirindine A/1146
24. Nyambene/Kirindine A/74
25. Nyambene/Kirindine A/118
26. Nyambene/Kirindine A/169
27. Nyambene/Kirindine A/141
28. Nyambene/Kirindine A/88
29. Nyambene/Kirindine A/2073



30. Nyambene/Kirindine A/2597
31. Nyambene/Kirindine A/3644
32. Nyambene/Kirindine A/3803
33. Nyaki/Giaki/60
34. Nyaki/Giaki/1148
35. Nyaki/Giaki/1635
36. Nyaki/Giaki/1864
37. Nyaki/Giaki/2753
38. Nyaki/Thuura/2408

SCHEDULE B

LIABILITIES

1. I & M Bank Limited - USD 9,500,000/-
2. Incofin Inclusive Finance Fund Sa, Sicav-Raif - Agri-Finance Liquidity - USD 2,200,000/-
3. Oikocredit, Ecumenical Development Cooperative Society–Usd 3,000,000/-
4. Family Bank Ltd - KES. 21,800,757/-
5. Solution Sacco Society Ltd – KES. 3,965,896/-
6. Chai Sacco Society Ltd - KES. 2,560,150/
7. NCBA Bank Kenya Plc - KES. 8,265,438/-
8. Co-Operative Bank (K) Ltd - KES. 1,146,186/-
9. Equity Bank Kenya Ltd - KES. 150,000,000/-
10. Salaries - KES. 7,200,000/
11. Farmers Payment - KES. 1,209,619/-
12. Power and Lighting Co. Ltd - KES. 3,506,015/-
13. Student Fees For Dependents - KES. 779,936/-
14. Firewood Suppliers - KES. 2,889,193/-
15. Medical Operation Bill - KES. 5,000,000/-

(Total estimated value KES. 2,442,723,190/- (Two billion, four hundred forty-two million, seven hundred twenty-three thousand, one hundred ninety.)

DATED AT MERU 23RD DAY OF NOVEMBER, 2023.

WAMAE. T. W. CHERERE

JUDGE

Appearances



Court Assistant -Morris Kinoti

For Applicants - Mr. Anampiu for Ayub K. Anampiu & Company Advocates

