



**In re Estate of Francis Waweru Nganga (Deceased) (Succession Cause  
1188 of 2012) [2022] KEHC 11360 (KLR) (Family) (24 May 2022) (Judgment)**

Neutral citation: [2022] KEHC 11360 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 1188 OF 2012  
AO MUCHELULE, J  
MAY 24, 2022  
IN THE MATTER OF THE ESTATE OF FRANCIS WAWERU NGANGA (DECEASED)**

**BETWEEN**

**STEPHEN RUCHUNU WAWERU ..... OBJECTOR**

**AND**

**CATHERINE WAWERU ..... 1<sup>ST</sup> PETITIONER**

**MARTIN WAWERU ..... 2<sup>ND</sup> PETITIONER**

**LIZ WAWERU ..... 3<sup>RD</sup> PETITIONER**

**JUDGMENT**

1. The deceased Francis Waweru J. Nganga died intestate on March 18, 2012. He left the following properties:-
  - a. Dagoretti/Riruta/3969 – 0.08 Ha;
  - b. Dagoretti/Riruta/5369 – 0.995 Ha;
  - c. Dagoretti/Rirutat/3973 – 0.70 Ha;
  - d. Dagoretti/Riruta/5372 – 0.102 Ha;
  - e. Dagoretti/Riruta/3968; and
  - f. Vehicle KAD 117T.He left behind a widow, Catherine Wacura Waweru (1<sup>st</sup> petitioner) and the following children:-
  - a. Martin Kinuthia Waweru (2<sup>nd</sup> petitioner);



- b. Nancy Njoki Waweru;
  - c. Susan Kamiri Waweru;
  - d. Liz Njeri Waweru (3<sup>rd</sup> petitioner);
  - e. Charity Wambui Waweru; and
  - f. Joshua Nganga Waweru.
2. Before he married the 1<sup>st</sup> petitioner, he had married one Nelly Nduta and they had got a child, Stephen Ruchunu Waweru (objector). He separated from Nelly Nduta and was left with the child.
  3. Without making reference to the objector, the petitioners applied for the grant of letters of administration. They obtained the grant on October 2, 2012. It was after the objector complained to the court that they included him as a beneficiary.
  4. What is before the court is an amended application dated November 10, 2020 for the confirmation of the grant. In the proposal consented to by the petitioners and the other children of the 1<sup>st</sup> petitioner, all the property was to go to the 1<sup>st</sup> petitioner except for Dagoretti/Riruta/5369 which she was to share equally with the objector. The objector protested saying that he has always lived with his family on Dagoretti/Riruta/3969 and that is the portion he wants to share equally with the 1<sup>st</sup> petitioner. There was no further affidavit to challenge his averment. The objector does not oppose the rest of the distribution; that the rest of the property goes to the 1<sup>st</sup> petitioner.
  5. I will allow the amended summons and confirm the grant issued to the petitioners on the basis that:-
    - a. parcels Dagoretti/Riruta/3968, 3973, 5369 and 5372; and vehicle KAD 117T shall be inherited by Catherine Wacura Waweru; and
    - b. Catherine Wacura Waweru and Stephen Ruchunu Waweru shall equally share Dagoretti/Riruta/3669.
  6. Each party shall bear own costs.

**DATED AND DELIVERED AT NAIROBI THIS 24<sup>TH</sup> DAY OF MAY, 2022.**

**A.O. MUCHELULE**

**JUDGE**

