

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

FAMILY DIVISION

SUCCESSION CAUSE NO. 7 OF 2016

IN THE MATTER OF THE ESTATE OF STEPHEN GUCHU CHURU (DECEASED)

TERESIA WANJIKU GUCHU.....APPLICANT

VERSUS

RUTH WANJIRU GUCHU.....RESPONDENT/CONTEMNOR

RULING

1. On 7th May 2020 this court found the respondent Ruth Wanjiru Guchu guilty of contempt of the order of 12th July 2017 that had preserved the assets of the estate of the deceased Stephen Guchu Churu. She had transferred the property in question to a 3rd party.
2. The court asked the contemnor to show cause why she should not be punished in accordance with the law. She appeared with her counsel Mr. Kanyi Kiruchi on 5th October 2020. Counsel indicated that his client was 65, sickly and was sorry and apologetic. He indicated that his client had sold the property for Kshs.6.4 million, but that she did not have the money to be able to refund. She sought to be treated leniently, and be given non-custodial punishment.
3. I have considered the facts of the case, including what was said for the contemnor in litigation. Court orders have to be obeyed in order to maintain the rule of law and good order.
4. Given the mitigating factors, I order that, within 60 days from today, the contemnor shall deposit into court the full value of the sale price of Ruiru West Block 1 (Githunguri) Plot No. 1529. She stated that the sale price was Kshs.6.4 million, but that can still be ascertained from the sale agreement.
5. Further, the contemnor(respondent) shall pay a fine of Kshs.100,000/= in default serve prison term of six (6) months.
6. She (the contemnor) has 28 days to appeal this decision.

DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 26TH DAY OF OCTOBER 2020.

A.O. MUCHELULE

JUDGE