



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 2491 OF 1999**  
*IN THE MATTER OF THE ESTATE OF SCHOLASTICA*  
*WANJIRU WANYEE (DECEASED)*

**R U L I N G**

A petition for Letters of Administration intestate, to the estate of the late Scholastica Wanjiru Wanyee, was made by Stephen Wanyee and Paul Kinuthia Wanyee, both sons of the deceased.

Form P&A 5 shows the full list of the deceased survivors, all her children, a total of six sons and four daughters.

Before the grant could be issued, one of the deceased's daughters Christine Wambui Wanyee, filed an objection to the making of the grant, to her two brothers.

Her objection was based on the fact that she was not consulted and did not give her 2 brothers to administer the estate of their late mother. She also alleged that the petitioner had not given a full inventory of all the assets of the deceased's estate.

Christine's name is missing from the list of those survivors who gave consent to the 2 petitioners to petition for the Grant and Christine asserted that those signatures were forged.

Christine therefore cross petitioned for a grant to her late mother's estate and disclosed that Stephen Wanyee Nyambura shown in form P&A 5 by the petitioners as a son of the deceased is actually a grandson. She also gave a list of assets, which revealed more bank accounts, which were operated by the deceased, and also more real properties. Her list of assets was substantially different from that given by her two brothers.

I have not found in the court file, answers to the objection filed by Christine though there are affidavits filed in answer to several applications.

In court during the hearing of the objection, Mr. Nyangau, Counsel for Christine the objector submitted that the family had not agreed on who should administer the estate, though it was discussed, but Stephen, one of the petitioners submitted that there was a dispute over collection of rent and one of the tenants filed a Reference to the Tribunal which ordered that rent be paid to the Rent Tribunal directly.

The order was made in February 2001, Mr. Nyang'au submitted further that before the order of the Tribunal directing on payment of rents, Stephen used to collect rent but would not use or share it with the other beneficiaries. This brought disagreement plus the form fact that Christine was alleged to have given consent to the administration of the deceased's estate by her 2 brothers, a fact which Christine has denied, and instead alleged that Stephen is harassing the other beneficiaries. Mr. Nyang'au prayed the court to

give directive on who should administer the estate, in view of the acrimony between Christine and Stephen.

Mr. Njenga for the administrators prayed the court to issue the grant to both Christine and Stephen, but this was opposed by Mr. Nyang'au who stated that the 2 cannot work together.

The above submissions merely showed that there is mistrust between the deceased's children, especially Christine and Stephen.

The list of survivors in form P&A 5 shows that Christine was the deceased's eldest child. She was aged 48 in 1999. Stephen was the 2nd born child of the deceased aged about 43 years old in 1999.

As Christine and Stephen continue to quarrel and disagree, their late mother's estate is going to waste. I want to believe that the 2 will appreciate this fact and start to work together with the assistance of their lawyers.

The Succession Act allows the court to appoint upto 4 administrators but I think in this cause appointing more than 2 administrators will only cause more disagreements.

I therefore direct that a grant of Letters of Administration intestate to the estate of the late Scholastica Wanjiru Wanyee be issued to her 1st born child, Christine Wambui jointly with her second born child Stephen Wanyee Kamau. I direct the 2 to complete a new form P&A 5, disclosing once more the names of the deceased's survivors, and most important ALL THE ASSETS AND LIABILITIES (if any) left behind by the deceased. In case of immovable properties, copies of title documents or share certificates should be attached. Also relevant bank accounts should be disclosed if known.

Finally, I direct all the children of the deceased to assist in compiling the list of assets and liabilities, so that the administration of the estate can move forward.

Dated at Nairobi this 12th day of September, 2002.

**JOYCE ALUOCH**

**HIGH COURT JUDGE**