



REPUBLIC OF KENYA



**In re Estate of the Late Patrick Ngugi Kamangara (Deceased) (Succession Cause 2715 of 2001) [2025] KEHC 266 (KLR) (Family) (23 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 266 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 2715 OF 2001  
HK CHEMITEI, J  
JANUARY 23, 2025  
IN THE MATTER OF THE ESTATE OF THE LATE  
PATRICK NGUGI KAMANGARA (DECEASED)**

**RULING**

1. In the application dated 6<sup>th</sup> October 2023 the Applicant/proposed interested party Samwel Munyambu Karonge prays for orders among others that:-
  - (a) He be allowed to participate in the proceedings as an Interested Party.
  - (b) The ruling in respect to the application dated 28<sup>th</sup> April 2023 be stayed pending the determination of this application.
  - (c) The grant issued on 14<sup>th</sup> May 2018 be revoked.
  - (d) That he be declared to be a lawful owner of land parcel Number LR 1082/13, LR 45040 Kiambu having purchased the same from Paschalis Muya Ngugi one of the beneficiaries herein and the same be transferred to him.
2. The application is based on the grounds thereof and the sworn affidavit of the Applicant dated the same date.
3. The gist of the application is contained in the sale agreement dated 13<sup>th</sup> July 2000 between the Applicant and the said Paschal Muya Ngugi. The land measuring 1.9 acres was sold for Kshs 380,000. It was acknowledged that it was in the name of the deceased herein.
4. Paschal Muya Ngugi vide his replying affidavit sworn on 17<sup>th</sup> October 2023 has denied the transaction as the parcel of land did not belong to him and in any case he cannot carve out the land as the succession proceedings were ongoing.
5. He denied that the Applicant was not a beneficiary to the estate hence he cannot lay any claim.



6. On the other hand, the Lawrence Njoroge Ngugi the administrator of the estate herein filed his replying affidavit sworn on 17<sup>th</sup> October 2023 opposing the application. His argument is that the Applicant was not a creditor to the estate and that any claim against Pascal Muya Ngugi ought to be dealt with at the Environment and Land court.
7. He went on to depone that the Applicant did not purchase the land from the deceased and in any case Pascal has disowned him.
8. The court has perused the entire proceedings herein and the interest of the Applicant.
9. Without belaboring the issues, I find that there is no direct connection between the deceased and the Applicant. The transaction was between the Applicant and the beneficiary Pascal Muya Ngugi. He cannot therefore claim to be a creditor to the estate.
10. Perhaps it will be prudent for the Applicant to await the outcome of the succession cause then lay claim to whatever the said Pascal would be bequeathed if at all.
11. Secondly this is a wrong forum to litigate the issues he has raised. The transactions exemplified in the attached annexures falls squarely to our sister court, namely the Environment and Land court.
12. For now, I do not think I need to discuss the other issues raised for the reason given above.
13. The application is disallowed with no order as to costs.

**DATED SIGNED AND DELIVERED VIA VIDEO LINK AT NAIROBI THIS 23<sup>RD</sup> DAY OF JANUARY 2025.**

**H K CHEMITEI**

**JUDGE**

