



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Mary Karugi Mwangi (Deceased) (Succession Cause  
97 of 2017) [2025] KEHC 2753 (KLR) (7 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2753 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
SUCCESSION CAUSE 97 OF 2017  
A MSHILA, J  
MARCH 7, 2025**

**BETWEEN**

**JAMES MUGI MWANGI ..... 1<sup>ST</sup> ADMINISTRATOR  
GEORGE GATHUMBI ..... 2<sup>ND</sup> ADMINISTRATOR  
MUTHONI MWANGI ..... 3<sup>RD</sup> ADMINISTRATOR  
NJERI MWANGI ..... 4<sup>TH</sup> ADMINISTRATOR**

**AND**

**JANE WAIRIMU MUNGE ..... OBJECTOR  
PERSONAL REPRESENTATIVE OF THE ESTATE OF RENNY MAINA  
MWANGI**

**RULING**

**Background**

1. The estate subject to distribution is the estate of Mary Karugi Mwangi (deceased) who died on 15<sup>th</sup> May, 2016.
2. On 5<sup>th</sup> July, 2017 the Administrators herein petitioned for Letters of Administration intestate. However, the Objector filed her objection as the personal representative of the Estate of Renny Maina Mwangi a beneficiary of the estate of the deceased herein for having been left out of the estate.
3. On 24<sup>th</sup> September, 2018, the court in its ruling held that the Administrators erred in failing to include the estate of Renny Maina Mwangi in the list of beneficiaries of the deceased. The Administrators were also issued with the grant of letters of administration and were directed to provide a full inventory of all assets and liabilities of the deceased as well as an accurate account in respect of Kshs. 2,480,887.87 which had been drawn from the deceased's bank account.



4. Subsequently, the Administrators filed their Summons for Confirmation of Grant dated 10<sup>th</sup> February, 2020 where they gave their proposed mode of distribution which was objected to on the grounds that it was unfair, in that the estate of Renny Maina Mwangi was not consulted and that no valuation had been conducted.
5. On 22<sup>nd</sup> September, 2022 the court in its ruling directed that all the properties of the deceased be valued by a valuer to be agreed upon by both parties and an affidavit to be filed in court indicating the value of the shares of the deceased.
6. Later on 17<sup>th</sup> January, 2024, the court directed the parties to file and exchange written submissions on their proposed mode of distribution.

### **Objector's Submissions**

7. The Objector submitted that the Administrators did not disclose the number of shares of the deceased held in items xviii-xxvii and the value of shares the deceased held in companies listed from items xi-xxvii as per the list of assets provided in the Summons for Confirmation of Grant dated 10<sup>th</sup> February 2020. No evidence had been provided on the dividends declared from the deceased's shares from the time of death as well as statements on funds held in the deceased's account from the time of her death. The Objector sought orders that the Administrators render an account on where all the rental income collected from Flat No. 6 on LR. NO. 209/69/2 and Thika Section 9 on LR. NO. 4953/IX/14 had been deposited or how it had been utilized as well as how Kshs. 2,480,887.87 withdrawn from the deceased's account was spent.
8. The Objector's proposed mode of distribution is as follows:-



Name of property	Value as Provided by Machogu Survey Consultancy Ltd	beneficiary	Share
Ruiru East Block 2/ T5256 (Juja farm) 0.0800 Ha	2,000,000/=	Muthoni Mwangi	Absolutely
Loc 19/ Gacharegeini/ 3620	14,000,000/=	James Mugi Maina George Gathumbi Mwangi	Equally
Juja town 12959/2	11,000,000/=	James Mugi Mwangi	Absolutely
L.R no. 12506/240 0.0646Ha	8,000,000/=	George Gathumbi Mwangi	Absolutely
Ruiru East Block 2/4185 (Juja farm)- 1.300Ha	10,000,000/=	Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi	Equally
Juja Kiaura Farm Block 1/206	20,000,000/=	Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi	Equally
L.R No, 209/ 69/2 (Flat No. A6)	11,000,000/-	Estate of Renny Maina Mwangi	Absolutely
Loc 2/ Gacharageini/ 690	Not valued	Subject to valuation being carried out:- James Mugi Mwangi George Gathumbi Mwangi Carole Nduta Mwangi Muthoni Mwangi NjeriMwangi	Equally
Thika section 9 L.R. No. 4953/IX/14	Not valued	Subject to valuation being carried out:- Karugi Holdings	Absolutely
Thika Municipality Block 17/721-0.0841 Ha	Not valued	Subject to valuation being carried out:- Estate of Maina Mwangi	Absolutely



ICDC Shares- 4876 shares	Not valued	be sold and proceeds applied towards settling liabilities	Absolutely
NIC (National Industrial Credit Bank) Ltd shares-2529 shares	Not valued	be sold and proceeds applied towards settling Liabilities	
NIC Bank shares- 8844 shares as per the share certificates provided	Not valued	be sold and proceeds applied towards settling Liabilities	
Mumias sugar company-4,000 shares	Not valued	be sold and proceeds applied towards settling Liabilities	
Centum shares-8,251 shares	Not valued	be sold and proceeds applied towards settling Liabilities	
Lang'ata Development Co. Limited- plot no. Block B. 767	Not valued	Subject to valuation: be Sold and proceeds shared:- James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
Mumathi Women Group-under Lang'ata development co. Ltd- 50 shares	Not valued	Karugi Holdings Limited	Absolutely
Safaricom shares- No share certificate provided	Share certificates be provided	be sold and proceeds applied towards settling liabilities	
Kengen shares- No share certificate provided	Share certificates be provided	be sold and proceeds applied towards settling liabilities	



Kenya Re-shares- No share certificate provided	Share certificates be provided	be sold and proceeds applied towards settling liabilities	
Samima Investments Limited-No share certificate provided	Share certificates/ CR-12 be provided	Subject to valuation: James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
S.M Maina Coffee Limited- No Share certificate provided	Share certificates/ CR-12 be provided	Subject to valuation: James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
Excellence Samima vest limited- No share certificate provided	Share certificates/ CR-12 be provided	Karugi Holdings Limited	Absolutely
Mangu Investment Limited-No share certificate provided		Karugi Holdings Limited	Absolutely
Gachororo Farmers Co. Limited-No share certificate provided	Share certificates be provided	James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi	Equally
Mioro Trading Company-No share certificate provided	Share certificates be provided	Karugi Holdings Limited	Absolutely
New Mioro General Stores-No share certificate provided	Share certificates be provided	Karugi Holdings Limited	Absolutely
KBZ 075C			Absolutely
KBZ 441Y			Absolutely



### **Administrators' Submissions.**

9. The Administrators submitted that they have complied with the orders of the court and have always given a true and proper account of all assets, liabilities, incomes and that all the beneficiaries were duly informed. The claim that the estate of Renny Maina (deceased) was not consulted on the mode of distribution was said to be untrue and that the estate of Renny has been duly provided for and that the distribution was done fairly. It was submitted that any non-disclosure is due to the unavailability of the information at the time and that the statements of account are available to all the beneficiaries for perusal. Valuation was said to have been undertaken at the cost of the Administrators.
10. The Administrators preferred mode of distribution was given as follows;-



No.	Property Name/LR. No	beneficiary	Share
1.	Ruiru East Block 2/ T5256 (juja Farm)	Estate of Renny Maina Mwangi (3 Acres)	Absolutely
2.	Loc 19/ gacharageini/3620	Estate of Renny Maina Mwangi (3 Acres), James Mugi Mwangi (4 Acres), George Gathumbi Mwangi (5 Acres)	3 Acres,4 Acres & 5 Acres Respectively
3.	Juja town - Lr No. 12959/2	James Mugi Mwangi	Absolutely
4.	Gachororo Plot 12506/240	George Gathumbi Mwangi	Absolutely
5.	Ruiru East Block 2/4184 (juja Farm)	Muthoni Mwangi, Njeri Mwangi, Carole Nduta Mwangi	Equally
6.	Juja Kiaura Farm Block 1/206	Muthoni Mwangi, Njeri Mwangi, Carole Nduta Mwangi	Equally
7.	Nairobi LR. No. 209/69/2 (flat No. A6)	Muthoni Mwangi, Njeri Mwangi, Carole Nduta Mwangi	Equally
8.	Murang'a Loc 2/ gacharage/690	John Mburu, Harun Muiru	Jointly
9.	Thika Section 9 4953/1x/14	Administrators to Hold In Trust	Absolutely
10.	Thika Athena Coffee Block /17/721	Administrators to Hold In Trust	Absolutely
11.	Icdc Shares	Proceeds and Dividends to be Used for the Administration of the Estate	Shares to be Liquidated



12.	NIC (nation Industrial Credit Bank) Ltd Shares	Proceeds and Dividends to be Used for the Administration of the Estate	Shares to be Liquidated
13.	Mumias Sugar Company Shares	Proceeds and Dividends to be Used for the Administration of the Estate	Shares to be Liquidated
14.	Centrum Shares	Proceeds And Dividends to be Used for the Administration of the Estate	Shares to be Liquidated
15.	Kenya Re Shares	Proceeds and Dividends to be Used for the Administration of the Estate	Shares to be Liquidated
16.	Safaricom Shares	Proceeds And Dividends to be Used for the Administration of the Estate	Shares to be Liquidated
17.	Kengen Shares	Proceeds And Dividends to be Used for the Administration of the Estate	Shares to be Liquidated
18.	Samima Investments Ltd-shares	Administrators to Hold In Trust	Absolutely
19.	S.m.maina Coffee Ltd. Shares	Administrators to Hold In Trust	Absolutely
20.	Excellence Samima Vest Ltd-shares	Administrators to Hold In Trust	Absolutely
21.	Langata Development Co. Ltd	Administrators to Hold In Trust	Absolutely



	Plot Block B. 767 Shares		
22.	Mangu Investments Ltd-shares	Administrators to Hold In Trust	Absolutely
23.	KBZ 075C	Muthoni Mwangi	Absolutely
24.	KBZ 441Y	Samima Investments Ltd	Absolutely
	Bank Accounts		
25.	Consolidated Bank Thika - Account Nos: 10031300000154, 0130010318100 & 013000057300	Administrators to Hold In Trust	Absolutely

### Issues for Determination

11. After reading the parties respective submissions this court has framed only one issue for determination which is distribution of the Estate of Mary Karugi Mwangi;

### Analysis

12. In this instance there being no surviving spouse, the applicable section in these circumstances is found to be Section 38 which provides that the estate of the deceased be divided equally between the surviving children of the deceased; the section reads as follows;

“ 38. Where intestate has left a surviving child or children but no spouse.

Where an intestate has left a surviving child or children but no spouse, the net intestate estate shall, subject to the provisions of sections 41 and 42, devolve upon the surviving child, if there be only one, or shall be equally divided among the surviving children.”

13. Where the parties have failed to agree this court will apply the provisions of Section 38 of the Law of Succession as it is not disputed that both parents are deceased;. It is also not in dispute that the deceased was survived by Six (6) children; therefore the contentious properties of estate as listed hereunder shall be distributed in accordance with the section that is equally among the deceased’s Six (6) children, this is inclusive of the family of the sibling who is deceased;



Ruiru East Block 2/ T5256 (Juja farm) 0.0800 Ha	2,000,000/=	James Mugi Mwangi George Gathumbi Mwangi Carole Nduta Mwangi Muthoni Mwangi NjeriMwangi Estate of Renny Maina Mwangi	Equally
L.R No, 209/ 69/2 (Flat No. A6)	11,000,000/-	Estate of Renny Maina Mwangi James Mugi Mwangi George Gathumbi Mwangi Carole Nduta Mwangi Muthoni Mwangi NjeriMwangi	Equally
Muranga Loc 2/ Gacharageini/ 690	Not valued	Subject to valuation being carried out:- James Mugi Mwangi George Gathumbi Mwangi Carole Nduta Mwangi Muthoni Mwangi NjeriMwangi Estate of Renny Maina Mwangi	Equally
Thika Section 9 L.R. No. 4953/IX/14	Not valued	Subject to valuation being carried out:- James Mugi Mwangi George Gathumbi Mwangi Carole Nduta Mwangi Muthoni Mwangi NjeriMwangi Estate of Renny Maina Mwangi	Equally
Thika Municipality Block 17/721 0.0841 Ha	Not valued	Subject to valuation being carried out:- Estate of Renny Maina Mwangi James Mugi Mwangi George Gathumbi Mwangi Carole Nduta Mwangi Muthoni	Equally



		Mwangi NjeriMwangi	
Samima Investments Limited-No share certificate provided	Share certificates/ CR-12 be provided	Subject to valuation: James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
S.M Maina Coffee Limited- No Share certificate provided	Share certificates/ CR-12 be provided	Subject to valuation: James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
Lang'ata Development Co. Limited- plot no. Block B. 767	Not valued	James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
Excellence Samima vest limited- No share certificate provided	Share certificates/ CR-12 be provided	James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
Mangu Investment Limited-No share certificate provided		James Mugi Mwangi George Gathumbi Mwangi Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	Equally
Loc 19/ Gacharegini/ 3620	14,000,000/=	James Mugi Maina George Gathumbi Mwangi Muthoni Mwangi Njeri	Equally



		Mwangi Carole Nduta Mwangi Estate of Maina Mwangi	
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14. This Court will abide with the proposed mode of distribution of the Estate of the deceased as listed hereunder where there is either no contest and/or where there is consensus by the parties;



Juja Town 12959/2	11,000,000/=	James Mugi Mwangi	Absolutely
Gachororo Plot 12506/240 0.0646Ha	8,000,000/=	George Gathumbi Mwangi	Absolutely
Ruiru East Block 2/4185 (Juja farm)- 1.300Ha	10,000,000/=	Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi	Equally
Juja Kiaura Farm Block 1/206	20,000,000/=	Muthoni Mwangi Njeri Mwangi Carole Nduta Mwangi	Equally
ICDC SHARES		Proceeds and dividends to be used for the administration of the Estate	Shares to be liquidated
NIC (National Industrial Credit Bank) Ltd shares-2529 shares	Not valued	Be sold and proceeds applied towards settling Liabilities	
NIC Bank shares- 8844 shares as per the share certificates provided	Not valued	Be sold and proceeds applied towards settling Liabilities	
Mumias sugar company-4,000 shares	Not valued	Be sold and proceeds applied towards settling Liabilities	
Centum shares-8,251 shares	Not valued	Be sold and proceeds applied towards settling Liabilities	
Mioro Trading Company-No share certificate provided	Share certificates be provided	Karugi Holdings Limited	Absolutely



New Mioro General Stores-No share certificate provided	Share certificates be provided	Karugi Holdings Limited	Absolutely
Mumathi Women Group – under Lang’ata Development Co. Ltd – 50 shares	Not valued	Karugi Holdings Limited	Absolutely

KBZ 075C	Muthoni Mwangi	Absolutely
KBZ 441Y	Samima Investments Ltd	Absolutely
Bank Accounts		
Consolidated Bank Thika - Account Nos: 10031300000154, 0130010318100 & 013000057300	Administrators to Hold in Trust	Absolutely

### Findings and Determination

15. For the afore-going reasons this court makes the following findings and determination;
- i. The Protest is found to be partially with merit and it is hereby partially allowed;
  - ii. The contentious properties of the estate of the deceased as set out in paragraph 13 shall be distributed in equal shares amongst the six (6) children of the deceased inclusive of the family of the Estate of Maina Mwangi;
  - iii. The Grant is hereby confirmed on the terms set out in paragraphs 13 and 14;
  - iv. The parties are at liberty to apply;
  - v. Each party shall bear their own costs.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIA TEAMS AT KIAMBU THIS 7<sup>TH</sup> DAY of MARCH, 2025.**

**A. MSHILA**

**JUDGE**

In the presence of;

Sanja – Court Assistant

Mbetsa h/b for Ndirangu for the Objector

Mwangi h/b for Agimba for the Administrators

