



REPUBLIC OF KENYA



**In re Estate of Isaac Kihara Mirobi (Deceased) (Succession Cause
274 of 2004) [2025] KEHC 4265 (KLR) (4 April 2025) (Directions)**

Neutral citation: [2025] KEHC 4265 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
SUCCESSION CAUSE 274 OF 2004**

JRA WANANDA, J

APRIL 4, 2025

IN THE MATTER OF THE ESTATE OF ISAAC KIHARA MIROBI (DECEASED)

BETWEEN

MARY NYAWIRA MWANGI 1ST PETITIONER

JOHN N. WARORUA 2ND PETITIONER

AND

MARY NJOKI WARUIRU OBJECTOR

DIRECTIONS

1. Pending before this Court for determination is the Protester’s Summons for Confirmation of the Grant of Letters of Administration issued herein, as well as the Objector’s Protest filed in opposition thereto. The Summons is dated 9/02/2021 while the Affidavit of Protest is sworn on 9/03/2021. I was to deliver the Ruling thereon today.
2. However, when I began “writing” the Ruling, I realized that the same would not result in a conclusive and well-reasoned decision without some crucial documentation being supplied, and which, strangely, the parties did not seem to have found it fit to furnish the Court with. Some of the documents supplied are also either illegible or portions thereof “cut-off” during photocopying process. For this reason, before I embark on the task of finalizing the Ruling, I direct as follows:
 - a. Since the Search Report dated 22/06/2021 in respect to the parcel of land Nanyuki Municipality/Block 349 indicates that the same is now registered in the name of one Augustine Wangombe Tumuti, I direct the Petitioners to serve the said Augustine Wangombe Tumuti with a Mention Notice for the date that I shall fix herein inviting him to attend Court, either virtually or physically, to inform the Court on whether he wishes to be afforded an opportunity to address the Court before the Court gives a final decision on whether the said property forms part of the estate of the deceased herein.



For the purposes of saving on delays, the Objector is given liberty to also move to effect separate or independent service upon the said Augustine Wangombe Tumuti should she wish to do so.

- b. The Petitioners shall, within a period of 30 days, furnish a more legible copy of the Search Report for the said Nanyuki Municipality/Block 349 referred to in their List of documents, as the one on record seems to have omitted some portions during the process of photocopying.
 - c. The Petitioners shall, within a period of 30 days, furnish to the Court latest search Reports for the parcels of land Nanyuki Municipality/Block 349 and Nanyuki Municipality/Block 2/351. The Objector is at liberty to also separately or independently obtain and supply to the Court the Search Reports for the said properties should she wish to do so.
 - d. The Objector shall, within a period of 30 days, furnish to the Court latest search Reports for the property described as Nanyuki Municipality/Block 353 cited in her Affidavit of Protest and claimed to have been omitted by the Petitioners.
 - e. Both parties are given liberty, within 30 days, to obtain and supply to the Court valuation Reports for all the assets/properties cited herein should they wish to do so.
 - f. The Petitioner shall, within 30 days, supply to the Court the latest bank statement for the Account No. 8135039 held at the Barclays Bank of Kenya Ltd (now Absa Bank Ltd) - Nyeri Branch in the name of the deceased. For this purpose, the Branch Manager of the said Bank is hereby directed and ordered to release the bank statement to the Petitioners, or in the alternative, to supply the same directly to the Court, through the Court's Deputy Registrar.
 - g. The Petitioners shall, within 30 days, supply to the Court the statement from Harambee Savings and Credit Co-operative Society Ltd in respect to the deceased showing whether any funds are held therein and if there has been any payments or withdrawals therefrom, circumstances under which such payments or withdrawals were made. For this purpose, the Chief Executive Officer of the said Co-operative Society Ltd is hereby directed and ordered to release the above details/documentation to the Petitioners or in the alternative, to supply the same directly to the Court, through the Court's Deputy Registrar.
 - h. The parties are at liberty to return to Court to seek extension of the timelines given hereinabove, if justified, and on sound reasons.
3. The Ruling is therefore deferred and a fresh date for the same shall be fixed after compliance with the above directions.

DIRECTIONS, DATED AND SIGNED AT ELDORET THIS 4TH DAY OF APRIL 2025

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WANANDA J. R. ANURO

JUDGE

Directions given in the presence of:

Ms. Ngala for the Petitioners

Ms. Oduor for the Protester

Court Assistant: Brian Kimathi

