



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Jason Njoroge (Deceased) (Succession Cause  
E014 of 2024) [2025] KEHC 7507 (KLR) (14 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7507 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
SUCCESSION CAUSE E014 OF 2024**

**REA OUGO, J**

**MAY 14, 2025**

**BETWEEN**

**ANASTANCIA MWERU NJOROGE ..... 1<sup>ST</sup> PETITIONER**

**CATHERINE NYAMBURA NJOROGE ..... 2<sup>ND</sup> PETITIONER**

**JANE WANJIKU NJOROGE ..... 3<sup>RD</sup> PETITIONER**

**AND**

**GODFREY WAINAINA NJOROGE ..... 1<sup>ST</sup> PROTESTOR**

**JOHN KAMAU NJOROGE ..... 2<sup>ND</sup> PROTESTOR**

**JOYCE NDUTA NJOROGE ..... 3<sup>RD</sup> PROTESTOR**

**RULING**

1. The 1<sup>st</sup> petitioner has filed a motion dated 22<sup>nd</sup> November 2024 brought under Sections 49,59 and 73 of the Probate and Administration Rule. She seeks the following orders;
  - i. The Honourable Court be pleased to issue an order for the valuation of all properties of the deceased herein.
  - ii. That upon issuance of prayer 1, the court be pleased to appoint a valuer to undertake the process in the event that the parties are not agreeable on one.
  - iii. The costs of the application be provided for.
2. In her supporting affidavit she depones that she is the widow of the deceased and a personal representative of the estate of the deceased Jason Njoroge Mwaura together the other two other administrators. She avers that the deceased left behind the following properties;
  - a. E. Bukusu/ S. Kanduyi/ 3XX6



- b. E. Bukusu/ S Kanduyi/4X8
  - c. Bungoma Township/ 2X0
  - d. E. Bukusu / S. Kanduyi/ 3XX7
  - e. E. Bukusu/ S. Kanduyi/3XX1
  - f. E. Bukusu /S. Kanduyi/ 6XX9
  - g. Nyandarua/ Oljororok salient/ 5XX6- joint ownership with Anastacia Mweru Njoroge
  - h. Nyandura/ Oljororok salient/20XX6- joint ownership with Anastacia Mweru Njoroge
  - i. Motor Vehicle Registration No. KBG 4X0K
  - j. Shares at Standard Chartered Bank, KenGen pic, KCB Bank and Safaricom.
3. The 1<sup>st</sup> petitioner claims that the 3<sup>rd</sup> petitioner without her knowledge secretly did a valuation on land parcel number Bungoma- Township / 2X0 which is her matrimonial property. it would be fair if valuation is done on all properties that were left behind by the deceased. The valuation will facilitate the equal and fair distribution of the estate of the deceased. The only properties that do not need valuation are properties that are jointly owned since she has the right to survivorship and upon the demise of her husband, the same automatically passed to her. Her request is that parcel number;3XX6,4X8,2X0,3XX7,3XX1,6XX9 and the motor vehicle be valued.
4. The application was opposed by the 3<sup>rd</sup> petitioner . The 3<sup>rd</sup> petitioner filed a replying affidavit dated 6.12.2024. Her reasons for opposing the application are plot number 2X0 belonged to her mother the late Christine Wambui Njoroge and was acquired before the 1<sup>st</sup> petitioner married her late father. They are not claiming the property in Nyandarua/ Oljororok salient/ 20XX6 and 5XX6. The same rule should apply to parcel number 2X0. She is opposed to the valuation on parcel number 4X8 as it is a plot that was bought and developed by her parents.
5. Mr Waswa for the 2<sup>nd</sup> petitioner had no objection to the application.
6. I have considered the rival affidavits and oral submissions. There is no dispute that the properties mentioned by the 1<sup>st</sup> and 3<sup>rd</sup> petitioners are properties forming part of the deceased's estate. The applicant's main reason is that she desires the valuation to be done to obtain full disclosure of the properties left behind by the deceased and the total value of the estate. The 3<sup>rd</sup> petitioner's objection is on two properties, which, in her view, belonged to her parents. The valuation of properties is usually done to determine their value. The said valuation can help a court to determine the value of the properties and equitable or fair distribution of the deceased's estate. The properties to be valued are as indicated below;
- a) E. Bukusu/ S. Kanduyi/ 3XX6
  - b) E. Bukusu/ S Kanduyi/4X8
  - c) Bungoma Township/ 2X0
  - d) E. Bukusu / S. Kanduyi/ 3XX7
  - e) E. Bukusu/ S. Kanduyi/3XX1
  - f) E. Bukusu /S. Kanduyi/ 6XX9



- g) Nyandura/ Oljororok salient/ 5XX6- joint ownership with Anastacia Mweru Njoroge
- h) Nyandura/ Oljororok salient/20XX6- joint ownership with Anastacia Mweru Njoroge
- i) Motor Vehicle Registration No. KBG 4X0K
- j) Shares at Standard Chartered Bank, KenGen pic, KCB Bank and Safaricom.

7. I do not think that any of the parties will suffer any prejudice. The parties are at liberty to agree on a valuer within the next 7 days. If they do not agree, then the 1<sup>st</sup> petitioner shall bear the valuation costs and recover the same from the estate of the deceased at the time of confirmation of the grant. No order as to costs.

**DATED, SIGNED AND DELIVERED AT BUNGOMA THIS 14<sup>TH</sup> DAY OF MAY 2025.**

**R. E. OUGO**

**JUDGE**

In the presence of:

Miss Natwati For the 1<sup>st</sup> Petitioner

2<sup>nd</sup> & 3<sup>rd</sup> Petitioner - Absent

Wilkister - C/A

