



**Eliud v Kariithi (Probate & Administration E002 of 2025)  
[2025] KEHC 8514 (KLR) (17 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8514 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NANYUKI  
PROBATE & ADMINISTRATION E002 OF 2025**

**AK NDUNG'U, J**

**JUNE 17, 2025**

**IN THE MATTER OF THE ESTATE OF KAREITHI NYAGA NGURE (DECEASED)**

**BETWEEN**

**CATHERINE WAMBUI ELIUD ..... CITOR**

**AND**

**JAME NYAGA KARIITHI ..... CITEE**

**RULING**

1. By way of an amended citation taken out by Catherine Wambui Eliud (citor) dated 25<sup>th</sup> day of March 2025 it is sought that James Nyaga Kariithi do within fifteen days after service on himself hereof (inclusive of the date of such service) cause an appearance to be entered in the Court at Nanyuki Registry and accept or refuse letters of administration of all the estate of Kareithi Nyaga Ngure of Marura, Laikipia County who died on the 15<sup>th</sup> November 2021, which by law devolves to and vests in the personal representative of the deceased or show cause why the same should not be granted Catherine Wambui Eliud.
2. Notably, James Nyaga Kareithi is a son and Catherine Wambui is a daughter to the deceased.
3. The citation was heard by way of oral submissions. Ms Cheptoo, Counsel for the citor submitted that the citor is the daughter of Kareithi Nyaga Ngure (deceased) who died on 15/11/2021. The citation arises from the citee's persistent refusal to take out a grant of letters of administration of the estate or to consent to the citor or other siblings to do so. The citee is a sibling of the citor.
4. Further, that the deceased was survived by 4 children Gathigia, Muthoni, Wambui and James Ngaga Kareithi the citee.
5. It is urged that following the deceased passing, the family took all necessary steps to commence proceedings. They obtained the chief's letter and filed in the necessary forms including form 38 and



- the same were presented to beneficiaries for execution. However, the respondent has refused to sign the form and offered no reason for refusal.
6. Counsel adds that Rule 26 of the Probate and Administration Rules is clear that to apply for grant one must either renounce the right or sign the consent in form 38. The citee has done neither.
  7. It is contended that that the citee was a major beneficiary of gifts interval and after the death of deceased he went further and inter meddled with the estate including taking title deeds relating to the estate. As a result, his sisters cannot do anything about the estate. They are left destitute. They are unable to protect the estate from waste.
  8. It is the citee's case that it is not sought to exclude the citor from benefitting from the estate. The aim is to protect the estate. It is prayed that the court be pleased to permit the citor to proceed with the administration of the estate without the consent of the citor or in the alternative the Deputy Registrar to sign the necessary consent on his behalf.
  9. I have considered the citation. Despite evidence of service, the citor neither entered appearance to accept or refuse letters of administration of all the estate which by law devolves to and vests in the personal representative of the deceased or show cause why the same should not be granted to Catherine Wambui Eliud.
  10. Upon hearing counsel, and on the obtaining facts, am satisfied that the citation meets the requirement of the law and there is no reason why letters should not issue to Catherine Wambui Eliud.
  11. I will, however, open a window for the Citee to take out letters of administration within 30 days hereof in default of which Catherine Wambui Eliud is to proceed and apply for such letters the consent of James Nyaga Kariithi notwithstanding.
  12. I make no orders as to costs of this citation.

**DATED SIGNED AND DELIVERED VIRTUALLY THIS 17<sup>TH</sup> DAY OF JUNE, 2025.**

**A.K. NDUNG'U**

**JUDGE**

