



REPUBLIC OF KENYA



**In re Estate of Jennifer Tusiime Njeru (Deceased) (Probate & Administration
E358 of 2025) [2025] KEHC 8604 (KLR) (Family) (20 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8604 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

FAMILY

PROBATE & ADMINISTRATION E358 OF 2025

H NAMISI, J

JUNE 20, 2025

IN THE MATTER OF

PRECIUS JOELY NJERU ALIAS PRECIUS JOELY NYAGUTHI.. PETITIONER

RULING

1. The Deceased herein passed away on 28 January 2024 in Nakuru County. She died intestate. The Petitioner has presented a Petition for Special Limited Grant dated 19 May 2025. The same is presented in her capacity as a daughter to the Deceased.
2. The Petition is supported by an Affidavit by the Petitioner in which she avers that at the time of her death, the Deceased operated a credit and a debit account at Housing Finance Company Ltd, Rehani House Branch.
3. The Deceased is succeeded by two beneficiaries, namely, the Applicant herein and J.C. N (minor). The Minor is a Form 2 student at Merishaw School. According to the Petitioner, the minor is in dire need of school fees, which currently stands at Kshs 180,000/- in arrears. In the premise, the Petitioner prays that this Court may grant her access to the Deceased's bank accounts held at HFC Kenya Ltd with a view to obtaining the monies to enable her settle the outstanding fees.
4. In her Petition for Letters of Administration Intestate, the Petitioner had attached copies of two letters from the Chief and Assistant Chief, Njuki-Ini South Location and Mururi Sub-location, respectively. Both letters indicate the Petitioner and the minor as the only beneficiaries. The Petitioner has also provided a copy of school fees invoice for Term 2, 2025 from Merishaw School.
5. Sections 54 and 67 (1) of the *Law of Succession Act*, Cap 160 of the Laws of Kenya and Rule 36 of the Probate and Administration Rules provide the circumstances under which a Special Limited Grant may be issued by the Court.



(54) A court may, according to the circumstances of each case, limit any grant of representation which it has jurisdiction to make, in any of the forms described in the Fifth Schedule to this Act.

(67) (1) No grant of representation, other than a Limited Grant for Collection and Preservation of Assets, shall be made until there has been published notice of the application of such grant, inviting objections thereto to be made known to the court within a specified period of not less than thirty days from the date of publication, and the period so specified has expired.

(36)(1) Where, owing to special circumstances the urgency of the matter is so great that it would not be possible for the court to make a full grant of representation to the person who would by law be entitled thereto in sufficient time to meet the necessities of the case, any person may apply to the court for the making of a grant of administration ad colligenda bona defuncti of the estate.

6. I have considered the Application and attachments. In the Petition for Letters of Administration, the Petitioner has indicated that the estate comprises of the two bank accounts as well as 2 parcels of land. In the circumstances, any authority to access the money in the accounts should be limited to the education costs for the minor.
7. In order to preserve the assets of the estate, the access granted to the Applicant shall be limited to HFC Limited, Rehani House Branch, Accounts numbers 2000****783-00 and 6000***67-00 to the tune of Kshs 180,000/=. Any further dealing with the estate of the Deceased must be with the authority of the Court or upon full grant of representation.
8. In summary, I invoke the powers vested in this Court by Rule 73 of the Probate and Administration Rules and make the following orders:-
 - i. That a Special Limited Grant be and is hereby issued to the Petitioner only for purposes of settlement of the fees to Merishaw School;
 - ii. That a sum of Kshs 180,000/= held in the Deceased's HFC Kenya Ltd Account number 2000XXXX783-00 and 600XXXX067-00 at its Rehani House Branch, be paid directly to Merishaw School;
 - iii. The Petitioner shall furnish the Court with statements of the two bank accounts within 30 days of the date hereof.
 - iv. This being a family matter, I make no orders on costs.
9. The Manager of HFC Kenya Limited, Rehani House Branch shall be served with this Order for compliance.

DATED AND DELIVERED AT NAIROBI THIS 20 DAY OF JUNE 2025

HELENE R. NAMISI

JUDGE

Delivered on virtual platform in the presence of:

Mr.Odongo...for the Petitioner

Libertine Achieng Court Assistant

