



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**In re Estate of John Peter Keguro (Deceased) (Succession Cause
554 of 1998) [2025] KEHC 8547 (KLR) (Family) (19 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8547 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

FAMILY

SUCCESSION CAUSE 554 OF 1998

HK CHEMITEI, J

JUNE 19, 2025

IN THE MATTER OF THE ESTATE OF THE LATE JOHN PETER KEGURO (DECEASED)

BETWEEN

LEAH WARUGURU KEGURO APPLICANT

AND

ELIZABETH WANJIRU KEGURO RESPONDENT

RULING

1. The Applicant's application dated 12th September 2022 seeks orders that:-
 - (a) The orders issued on 5th March 2019 by Hon Justice Kimaru and the ones issued by Hon Justice Ali Aroni on 7th November 2019 be varied, reviewed and or set aside
 - (b) The Director of Criminal Investigation Githunguri be ordered to investigate the manner in which the baptismal cards for the Respondent's children namely Mary Wambui Keguro, Benson Nene Keguro, Martin Memia Keguro and Lucy Njeri Keguro were obtained and their legitimacy.
 - (c) The Director of Criminal Investigations Githunguri be ordered to investigate whether the church through which the said baptismal cards were issued from that is PCEA Rev. Ayub Kinyua memorial church Githunguri had been established and whether Rev. Johnson Kiriaku Kinyua who presided over the baptism ceremony had been ordained and or licensed.
 - (d) The Registrar of Persons be ordered to produce records relating to Elizabeth Wanjiru Keguro the Respondent herein and explain how she changed her name from Elizabeth Wanjiru Nene to Elizabeth Wanjiru Keguro and whether the required legal procedure was adhered to.



- (e) The Registrar of Persons to cancel the illegal and fraudulent entries that link the Respondent herein and her children with the deceased.
2. The application is based on the sworn affidavit by the Applicant dated the same date.
 3. The Respondent on the other hand has opposed the application vide the replying affidavit sworn on 2nd December 2022.
 4. The gist of the application is the battle the Applicant and the Respondent have had over the estate herein. The affidavit contains the rulings of Justices Kimaru, Aroni (as they were) Musyoka and the late Etyang.
 5. The issue is whether the Respondent is the wife to the deceased and her children too and therefore have the legitimate right over the estate.
 6. I have perused the entire affidavit and in particular the averments by the Applicant questioning the baptism conducted by the PCEA church of the Respondent's children. According to her the said church at that time had not been established and the presiding priest had not been ordained. The baptismal cards therefore were questionable and that is why she needs the orders of this court to compel the criminal investigating agencies to carry out the investigations.
 7. It was also her case that the Respondent's names and those of her children were suspect and that the deceased name was included suspiciously.
 8. On her part the Respondent deponed that the Applicant was relitigating again issues which the courts had since ruled and that if the Applicant was dissatisfied, she ought to have appealed against the same.
 9. That there was no law directing this court to order the criminal investigation department to carry out the orders sought by the Applicant. That all that she needed to do was to make a complaint since the priest who carried out the baptism of the Respondent's children was not a party to the proceedings and in any case no one else has complained.
 10. Both parties have filed their respective submissions together with the cited authorities and for want of time I shall not produce the same.
 11. For the application of this nature to succeed it must be shown that there is new and important evidence which the Applicant could not have discovered when the earlier rulings which she seeks to have them reviewed were made. (See Order 45(1) and (2) of the [Civil procedure rules](#).)
 12. The issues raised by the Applicant has to do with the baptism of the Respondent's children and changing of their names as a result of the same. At the same time, she questions how the Respondent was able to acquire her husband's names with whatever documentations she had.
 13. I respectfully do not find these "evidence" to be new. The church and the parties were all within her knowledge when this matter was ongoing before the aforestated justices.
 14. The court as stated above has perused the decisions made by the Justices who have handled the matter before. I think it is fair to state that the Applicant has regurgitated the same issues time and time again and it does not help the way forward in this cause.
 15. The issue of the Respondent being a wife to the deceased has long been decided by the court. (See Judge Etyangs ruling of 30th July 1999.)
 16. Her application for review was disallowed by Musyoka J on 28th November 2014.



17. Judge Ali Aroni on 7th November 2019 directed that a joint grant be issued to both the Applicant and the Respondent.
18. I think that Judge Ali Aroni was simply echoing what Kimaru J on 5th March 2014 had directed the parties to do.
19. Taking the above decisions which, the Applicant never appealed against, I find that all that the Applicant ought to have done is to have the joint grant and thereafter proceed to have it confirmed. If there are issues over the division of the estate then they can be raised at the level of distribution and before the grant is confirmed.
20. At the moment it shall be remiss for this court to allow the application directing the state criminal agencies to undertake what they ordinarily ought to do. There is no evidence that the said agencies have refused to undertake any investigations as suggested by the Applicant.
21. In the premises I do not find the application merited and dismiss it with costs to the Respondent.
22. In line with the decision by Aroni J, I hereby grant joint administration of the estate to Leah Waruguru Keguro and Elizabeth Wanjiru Keguro and a grant be issued forthwith.
23. They should proceed within 30 days from the date herein to file a joint application for confirmation of grant and in the event of any disagreement each to file separately.
24. The matter be mentioned before the Deputy Registrar of this court after 30 days to confirm compliance.

DATED SIGNED AND DELIVERED VIA VIDEO LINK THIS 19TH DAY OF JUNE 2025.

H K CHEMITEI

JUDGE

