



In re Estate of Ruth Nyabonyi Rindori (Deceased) (Miscellaneous Succession Cause E180 of 2025) [2025] KEHC 10023 (KLR) (Family) (11 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10023 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
MISCELLANEOUS SUCCESSION CAUSE E180 OF 2025
H NAMISI, J
JULY 11, 2025
IN THE MATTER OF THE ESTATE OF RUTH NYABONYI RINDORI (DECEASED)
IN THE MATTER OF
ZINCY BOSIBORI MOGENI APPLICANT

RULING

1. The Deceased herein passed away on 11 April 2024 in Nairobi County. She died intestate. The Petitioner has presented a Petition for Special Limited Grant dated 6 June 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 bank account at Co-operative Bank of Kenya, Account No. 011XXXXXX7100.
3. The Deceased is survived by four beneficiaries, namely, Joseph Mwalimu, Victor Zaphaniah Okari, Nancy Nyaboke Mogeni and the Applicant herein. The Applicant states that she requires Kshs 40,000/= for course fees at Moringa School Limited to pursue software engineering. The course is scheduled to commence in September 2025. Additionally, the Applicant needs Kshs 260,000/- for her upkeep in and transport to Nairobi as well as miscellaneous expenses.
4. To her Application, the Applicant attached a copy of letter dated 14 March 2025 from the Deputy County Commissioner confirming the Beneficiaries. The letter also confirms that their father, Reubenson M. Okari is also deceased. There is correspondence from Moringa School confirming the Applicant's enrolment for the course in September 2025, as well as an invoice for Kshs 40,000/=. Further, there is a student Budget plan provided by the School that indicates a total budget of Kshs 260,000/= per student for the 14-week duration of the course.



5. Victor Zephaniah Okari and Nancy Nyaboke Mogeni filed their consents to the Application. Nancy Nyaboke Mogeni appeared before the Court to confirm that she is agreeable to the Application. The Applicant informed the Court that their eldest brother, Joseph Mwalimu, disappeared in 2007 and his whereabouts are unknown.
6. 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 me 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.
7. I have considered the Application and attachments. Since this is a Miscellaneous Succession Cause, I am yet to see the Petition for Letters of Administration in order to know the extent of the estate and its value. Further, it is not clear how much money is contained in the bank account.
8. That notwithstanding, it is clear that there are pressing financial needs by the Applicant that must be met. In the circumstances, any authority to access the money in the accounts should be limited to the education costs for the Applicant.
9. In order to preserve the assets of the estate, the access granted to the Applicant shall be limited to Co-operative Bank of Kenya, Account numbers 0110xxxx7100 to the tune of Kshs 150,000/= . Any further dealing with the estate of the Deceased must be with the authority of the Court or upon full grant of representation.
10. 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 is hereby issued to the Applicant only for purposes of settlement of the fees to Moringa School.
 - ii. That a sum of Kshs 40,000/= held in the Deceased's Co-operative Bank Account No. 0110XXXXXX7100 be paid directly to Moringa School Limited;
 - iii. The Applicant is hereby authorised to access a maximum of Kshs 110,000/= from the said bank account, for the time being, pending provision of bank statements from the said account and filing of Petition for Letters of Administration Intestate;



- iv. That the Applicant shall furnish the Court with statements of the bank account within 30 days of the date hereof.
- v. That the Applicant and her siblings to file Petition for Letters of Administration Intestate within the next 30 days;
- vi. This being a family matter, I make no orders on costs.

DATED AND DELIVERED AT NAIROBI THIS 11 DAY OF JULY 2025

HELENE R. NAMISI

JUDGE

Delivered on virtual platform in the presence of:

Applicant: Mr. Mwenesi

Court Assistant: Libertine Achieng

