



**In re Estate of the Late Soita Peter Shitanda (Deceased) (Succession Cause
1520 of 2016) [2025] KEHC 10027 (KLR) (Family) (10 July 2025) (Judgment)**

Neutral citation: [2025] KEHC 10027 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE 1520 OF 2016
HK CHEMITEI, J
JULY 10, 2025**

BETWEEN

**BETTY GLORIOUS SOITA 1ST PETITIONER
NGAIRA PETER SHITANDA 2ND PETITIONER
TERENCE SHITANDA SOITA 3RD PETITIONER**

AND

**CANDY KATEVE SOITA 1ST OBJECTOR
BRANDY MBEYU SOITA 2ND OBJECTOR**

JUDGMENT

1. The late Soita Peter Shitanda passed away on 24th May 2016. The Petitioners applied for letters of administration, as the wife and the children respectively.
2. The Objectors filed their objection dated 1st December 2022 on the grounds that they were not consulted as they are the deceased's children courtesy of the marriage between their father, the deceased and their mother Agnes Nduku Kiuvu.
3. Prior to filing their objection their mother had withdrawn her objection paving way for them to file theirs.
4. The court gave directions for the objection to be heard orally.
5. The first objector testified online stating that she was the daughter of the deceased together with her, sister her co objector. She produced several evidence including certificates of births indicating that they were born twins on 17th May 2001 and the deceased was their biological father.



6. She also produced court proceedings at the Children's Court between their mother and the deceased. The proceedings indicated that the deceased admitted that he was the father to the minors.
7. There were also other receipts of school fees and cheques made by the deceased in favour of the schools which they had been enrolled.
8. It was therefore her case that all along the deceased had recognised them as his children.
9. The 1st Petitioner Betty Gloria Soita testified that she was the only wife to the deceased having solemnized her marriage with the deceased first customarily and thereafter at the Attorney General's office.
10. She denied knowing the Objectors or at all and that the only time she saw them was in the print media during the burial of the deceased.
11. She also denied disposing the estate properties as advanced by the Objectors since in any case she did not have letters of administration.
12. The court directed the parties to file written submissions which they have and I have perused the same.
13. The Objectors submitted that they have established that they are entitled to the estate herein by virtue of being his children from his union with the said Agnes. There was therefore no reason not to have considered them and for that matter the objection be allowed.
14. The Petitioners on the other hand argued in their submissions that the same was premature as the grant had not been gazetted and thus the objection ought to be dismissed.
15. I have perused the entire suit and the evidence on board as well as the submissions by the parties.
16. I find that there is no doubt that prima facie and based on the uncontested certificates of birth the two Objectors are deceased's children.
17. The proceedings at the Children's Court (No. 642 of 2008 Agnes Nduku Kiuvu v. Peter Soita Shitanda) produced clearly demonstrate that he took care of them and the cheques issued to various institutions they schooled sufficiently proves their relationship with the deceased.
18. In the premises and barring any other evidence or technicalities which I think the Petitioners are taking I hold that the Objectors are deceased's children and for all intents and purposes entitled to his estate.
19. On the issue of being granted joint administration, I think because of the fact that the Objectors are not based within Kenya it becomes difficult for them to manage the estate in the manner suggested.
20. I do not as well find any evidence of intermeddling with the estate by the Petitioners since they have not been granted any letters of administration. If there is any then there is sufficient time especially when the estate shall be distributed.
21. I also note, regrettably, that the parties have spent so much on interlocutory applications. The estate must move on and be brought into finality whatever the results.
22. Consequently, it is hereby directed that:-
 - (a) The objection proceedings are upheld; the Objectors are hereby recognised as the deceased's children for all intents and purposes.
 - (b) A joint grant is hereby issued to the Petitioners and this matter be gazetted forthwith.



- (c) Henceforth, any action on the estate must be done with sufficient notice to the Objectors and/or their counsel on record.
- (d) Costs in the cause.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 10TH DAY OF JULY 2025.

H K CHEMITEI

JUDGE

