



In re Estate of Rhodah Nashilu Roymen alias Rhoda Nashilu Roimen (Deceased) (Succession Cause E760 of 2024) [2025] KEHC 10906 (KLR) (Family) (8 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10906 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
SUCCESSION CAUSE E760 OF 2024**

CJ KENDAGOR, J

JULY 8, 2025

**IN THE MATTER OF THE ESTATE OF RHODAH NASHILU
ROYMEN ALIAS RHODA NASHILU ROIMEN (DECEASED)**

BETWEEN

HENRY PARSIMEI ROIMEN APPLICANT

AND

ANTHONY MWANGI KABUGI RESPONDENT

RULING

1. This Succession Cause pertains to the estate of Rhodah Nashilu Roymen, also known as Rhoda Nashilu Roimen, who passed away on 19th April, 2024. A petition for letters of administration intestate was presented by Anthony Mwangi Kabugi, Angel Wainuku Mwangi, Prince Kabugi Mwangi, and Peace Kabugi Mwangi (respondents). The 1st Petitioner's capacity is indicated as the husband to the deceased, while the 2nd, 3rd, and 4th Petitioners are identified as her children.
2. Henry Parsimei Roime (Applicant), identified as the brother of the deceased, lodged an objection to the making of the grant and a petition by way of cross-application for a grant in his favour, which is opposed by the Petitioners/Respondents.
3. What is presently before Court for determination is an application dated 7th March, 2025 filed by the applicant (Henry) that seeks the following orders;
 - i. That the Honourable court be pleased to certify the application urgent and to hear it ex parte in the first instance.
 - ii. That the Honourable Court be pleased to issue preservative order restraining the 1st Petitioner/Respondent either by himself, his servants, agents, proxies and/or persons



exercising authority from him from intermeddling with the Estate of Rhodah Nashilu Roymen Alias Rhoda Nashilu Roimen (Deceased) pending the hearing and determination of the application and the objection.

- iii. That the Honourable Court be pleased to issue an order directing the 1st Petitioner/ Respondent either by himself, his servants, agents, proxies and/or persons exercising authority to deposit all the rent proceeds collected from Flat No 59 Bock 26B situated on 1st Floor erected on Property Land Reference No. 209/10775; Property Land Reference Number Ngong/Ngong 32576; Property Land Reference Number Ngong/Ngong 359948; Unit Number 32 erected on property land reference number 140/521 ; and Property Land Reference number Kajiado/ Kaputie Central / 894 to the Court pending hearing and determination of the Application and the objection.
- iv. That the in the alternative to prayer (3) above the Honourable Court be pleased to issue an order directing the 1st Petitioner/Respondent either by himself, his servants, agents, proxies and/or persons exercising authority to deposit all the rent proceeds collected from Flat No 59 Bock 26B situated on 1st Floor erected on Property Land Reference No. 209/10775; Property Land Reference Number Ngong/Ngong 32576; Property Land Reference Number Ngong/Ngong 359948; Unit Number 32 erected on property land reference number 140/521 ; and Property Land Reference number Kajiado/Kaputie Central/894 to joint interest earning bank account to be opened by the Objector's/Applicant and the Petitioner's/Respondent Advocates pending hearing and determination of the Application and the Objection within seven (7) days of the order.
- v. That the Honourable Court be pleased to issue preservative order restraining the 1st Petitioner/Respondent either by himself, his servants, agents, proxies and/or persons exercising authority from him from intermeddling with the Estate of Rhodah Nashilu Roymen Alias Rhoda Nashilu Roimen (Deceased) pending the hearing and determination of the succession proceedings up to summons for confirmation of grant.
- vi. That the Honourable Court be pleased to issue an order directing the Petitioner/Respondent either by himself, his servants, agents, proxies and/or persons exercising authority to deposit all the rent proceeds collected from Flat No 59 Bock 26B situated on 1st Floor erected on Property Land Reference No. 209/10775; Property Land Reference Number Ngong/Ngong 32576; Property Land Reference Number Ngong/Ngong 359948; Unit Number 32 erected on property land reference number 140/521 ; and Property Land Reference number Kajiado/ Kaputie Central/894 to the Court pending hearing and determination of the succession proceedings up to summons for confirmation of grant.
- vii. That the in the alternative to prayer (6) above the Honourable Court be pleased to issue an order directing the 1st Petitioner/Respondent either by himself, his servants, agents, proxies and/or persons exercising authority to deposit all the rent proceeds collected from Flat No 59 Bock 26B situated on 1st Floor erected on Property Land Reference No. 209/10775; Property Land Reference Number Ngong/Ngong 32576; Property Land Reference Number Ngong/Ngong 359948; Unit Number 32 erected on property land reference number 140/521 ; and Property Land Reference number Kajiado/ Kaputie Central/894 to joint interest earning account to be opened by the Objectors and the Petitioner's Respondent Advocates pending hearing and determination of the succession proceedings up to summons for confirmation of grant within seven (7) days of the order.



- viii. That the Honourable Court be pleased to issue an order compelling the 1st Petitioner/ Respondent to deposit the original log book, original title deeds and ownership documents in respect of Motor Vehicle Registration Number KCX 945V ; Money Market Funds at CIC Group, Account No. 00200-001-10391-002; Flat No 59 Bock 26B situated on 1st Floor erected on Property Land Reference No. 209/10775; Property Land Reference Number Ngong/Ngong 32576; Property Land Reference Number Ngong/Ngong 359948; Unit Number 32 erected on property land reference number 140/521 ; and Property Land Reference number Kajiado Kaputie Central/894 pending hearing and determination of succession proceedings up to summons for confirmation of grant.
 - ix. That the Honourable Court be pleased to issue an order directing the 1st Petitioner/ Respondent either by himself, his servants, agents, proxies and/or persons exercising authority to render accounts of rental proceeds collected from Flat No 59 Bock 26B situated on 1st Floor erected on Property Land Reference No. 209/10775; Property Land Reference Number Ngong/Ngong 32576; Property Land Reference Number Ngong/Ngong 359948; Unit Number 32 erected on property land reference number 140/521 ; and Property Land Reference number Kajiado/Kaputie Central/894.
 - x. That the Honourable Court be pleased to issue an order directing the Officer Commanding Station Ngong Police Station and the in charge Nyayo Police Post to ensure enforcement and compliance with the orders of the Honourable Court in their respective jurisdictions.
 - xi. That cost of this application be provided for.
4. The application is opposed; the Respondents filed a Replying Affidavit dated 7th April, 2025.

The Applicant's case

5. The Applicant acknowledges the 2nd to 4th Petitioners as children of the deceased but claims that the 1st Petitioner has neither the right to administer nor the right to benefit from the deceased's estate in any way.
6. The Applicant claims that the 1st Petitioner is not acting in the best interests of administering the estate for the benefit of the 2nd, 3rd, and 4th Petitioners, who are the deceased's children. Instead, the Applicant argues that the 1st Petitioner's true intention is to unjustly enrich himself at the expense of the estate.
7. The Applicant further asserts that the deceased's estate is at risk of mismanagement by the 1st Petitioner, to the detriment of the deceased's children.
8. The Applicant maintains that the 1st Petitioner was not legally married to the deceased. Furthermore, he accuses the 1st Petitioner of purportedly conducting a marriage ceremony between the Deceased and himself when the Deceased was not in a proper state to even know what was happening or sign any marriage certificate. According to the Applicant, the intention of the 1st Petitioner was to hurriedly purport to get married to the Deceased with the sole intention of inheriting the Deceased's property.
9. The Applicant has accused the 1st Petitioner of intermeddling with the estate by collecting the entire rent proceeds from the tenants on Flat No 59 Bock 26B situated on 1st Floor erected on Property Land Reference No. 209/10775; Property Land Reference Number Ngong/Ngong 32576; Property Land Reference Number Ngong/Ngong 359948; Unit Number 32 erected on property land reference number 140/521; and Property Land Reference number Kajiado/ Kaputie Central/894 directly to his account for his personal use to the detriment of other beneficiaries of the Estate.



The Respondent's case

10. In their joint response, the respondents contended that the Applicant lacks the locus standi to initiate the application, asserting that he is neither a beneficiary of the estate nor does he have precedence over the deceased's husband and children.
11. The Respondents stated that the deceased and the 1st Petitioner were married under Kikuyu-Maasai customary law and had planned to formalize their union had the deceased not passed away.
12. Furthermore, the Respondents denied the Applicant's assertion that he was representing the interests of the deceased's children (2nd to 4th Respondents). They maintained that the claims of mistreatment and neglect of the deceased, as alleged by the Applicant, are unfounded and without merit.
13. The Respondents argue that the Applicant's allegations of mismanagement are speculative and without merit. They assert that the rental income from the estate is deposited into a jointly operated bank account, which ensures proper financial oversight.

Analysis and determination

14. The main issue for determination is whether the application dated 7th March, 2025 is merited.
15. As I assess the merits or not of this application, I am mindful that the main cause is still pending hearing and determination. The fundamental issues raised by the parties, including the issue of priority in application for the grant of Letters of Administration intestate and the question of locus standi, are critical matters that merit in-depth analysis. These issues and others will be examined during the substantive hearing of the petition and objection proceedings, ensuring that the evidence as may be adduced is considered before a conclusion is reached.
16. The Applicant seems to be focused exclusively on the 1st Petitioner, having notably excluded the 2nd to the 4th Petitioners from his application as respondents. However, upon examining the response submitted by the petitioners, it is evident that their arguments are presented collectively. This joint response dispels the notion of disunity among the Petitioners and demonstrates a unified stance on their position.
17. Alongside their unified position, the Respondents highlighted that all of them, as the husband and children of the deceased, exercise financial oversight. Thus, the allegations put forth by the Applicant against the 1st Petitioner remain purely speculative at this stage.
18. There is no evidence that the 1st Petitioner has taken possession of the rent proceeds solely, engaged in the sale of any assets, or participated in any actions that could undermine or threaten the value of the estate or involve any other form of intermeddling. Therefore, the restraining orders sought against the 1st Petitioner/Respondent are also not justified.
19. The upshot of the above is that the application dated 7th March, 2025 is not merited. The same is dismissed with costs in the cause.
20. The best course of action in this matter is to hear the main cause, thereby enabling the appointment of administrator(s) to oversee the estate. The parties are directed to comply with the pre-trial directions to ensure the expeditious resolution of the case.
21. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 8TH JULY DAY OF, 2025.



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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Mr. Kipkirui, Advocate for the Applicant

No attendance for the Respondents

