



In re Estate of Priscilla Nyambura Kirina (Deceased) (Succession Cause 1320 of 2017) [2025] KEHC 9511 (KLR) (Family) (3 July 2025) (Ruling)

Neutral citation: [2025] KEHC 9511 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

FAMILY

SUCCESSION CAUSE 1320 OF 2017

HK CHEMITEI, J

JULY 3, 2025

IN THE MATTER OF THE ESTATE OF PRISCILLA NYAMBURA KIRINA (DECEASED)

BETWEEN

CAROLINE WANJIKU NJUGUNA APPLICANT

AND

JAMES LOUIS NJOGU RESPONDENT

RULING

1. This ruling relates to the application dated 30th January, 2024 filed by the Applicant, Caroline Wanjiku Njuguna, seeking for orders that:
 1. James Louis Njogu be removed as co – administrator in the cause herein.
 2. Oscar Muriuki Ndung’u and James Louis Njogu be ordered to vacate from the portion of land in LR No. Dagoretti/Riruta Township/92 as was demarcated by the surveyor on 1st July, 2023.
 3. Costs of this application be provided for.
2. The application is based on the grounds thereof and supported by affidavit and further affidavit sworn by Caroline Wanjiku Njuguna on 30th January, 2024 and 17th October, 2024 respectively.
3. She avers inter alia that on 20th May 2019, this Court issued a grant of letters of administration to her and James Louis Njogu, which was later confirmed on 11th May, 2022. Following the confirmation, the estate beneficiaries engaged a surveyor, Benard Munyao, who proceeded to sub-divide LR No. Dagoretti/Riruta Township/92.
4. On 1st July, 2023, the surveyor placed beacons marking each beneficiary’s share. On her allocated portion stands 20 mabati houses owned by Oscar Muriuki Ndung’u and 10 owned by James Louis



- Njogu. Both individuals were asked to vacate and remove their structures by 5th September, 2023, but they have refused or failed to comply despite repeated requests, necessitating this application.
5. Further that James Louis Njogu has not cooperated in facilitating the distribution of the estate, which remains pending as long as he continues to serve as co-administrator. She affirms her readiness and willingness to execute the distribution.
 6. The application is opposed vide replying affidavits sworn by Oscar Muriuki Ndung'u and James Louis Njogu on 16th September, 2024.
 7. They aver inter alia that the Applicant has obstructed the implementation of the estate distribution by being consistently uncooperative. She was allocated a property in Kitengela, which she has since sold. Moreover, she has declined to attend family meetings or engage in any discussions concerning the distribution of their late mother's estate.
 8. That the property at the center of the dispute is jointly registered in the names of their late mother and another individual. Owing to this joint ownership, the appointed surveyor advised that the property must first be divided between the two registered owners before it can be subdivided among the estate's beneficiaries.
 9. The Applicant has filed written submissions dated 22nd October, 2024 placing reliance on In re Estate of Joseph Eric Owino alias Joseph Eric Owino Nyaburi (Deceased) Succession Cause No. 58 of 2020 [2022] KEHC 15453 (KLR) (18 November 2022) (Ruling) where it was observed as follows: "Rule 73 of the Probate and Administration gives the court power to make orders to meet the ends of justice. In view of the foregoing and in the interest of substantive justice, the court shall not at this particular juncture order the removal of the 2nd and 3rd administrators. But, rather, direct that the administrators in the estate of the late Joseph Eric Owino do file a statement of accounts within the next 28 days rendering an accurate inventory of the assets and liabilities of the deceased from the time of his demise to date. It is not disputed that the administrators in this case were lawfully appointed by this court for the purpose of managing the estate of the deceased. There is therefore no doubt that restraining them from exercising the powers of their office would in essence defeat the purpose for which they were appointed."
 10. The Respondents have filed written submissions dated 29th January, 2025.

Analysis And Determination

11. I have read the application before this court, the responses thereto and the rival submissions filed by the parties.
12. The issue before the court is basically settlement of echoes and some unnecessary family feuds which does not help the advancement and closure of this cause.
13. I think the parties have deliberately refused to implement the grant dated 11th May 2022 and resorted to side shows.
14. The Applicant being an administrator together with the Respondent ought to have led the way in ensuring that each of the beneficiaries gets their respective portion outlined in the grant.
15. Consequently, the court will not engage itself on peripheral issues raised in the rival affidavits or submissions. They simply have to cooperate and carry out the mandate bestowed upon them as joint administrators whether they like each other or not. If they are unable then the Deputy Registrar of this court will have to intervene and have the same executed.



16. For now, however I shall grant them the opportunity to carry out their mandate. Removing either of them is not efficacious for now.
17. The application is unmerited and the same is hereby dismissed.
18. The joint administrators are hereby directed to execute the confirmed grant dated May 11, 2022 within 90 days from the date herein.
19. Costs in the cause.

DATED SIGNED AND DELIVERED AT NAIROBI VIDE VIDEO LINK THIS 3RD DAY OF JULY 2025.

H K CHEMITEI

JUDGE

