



REPUBLIC OF KENYA



In re Estate of Michael Ngige Karanja (Deceased) (Succession Cause 582 of 2009) [2024] KEHC 2223 (KLR) (6 March 2024) (Ruling)

Neutral citation: [2024] KEHC 2223 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 582 OF 2009
HM NYAGA, J
MARCH 6, 2024**

IN THE MATTER OF THE ESTATE OF THE MICHAEL NGIGE KARANJA (DECEASED)

RULING

1. The court was asked to deal with the Summons of Confirmation of the Grant and the protest raised herein. The parties gave their evidence.
2. The court directed that all the properties of the deceased be valued so as to enable it come up with an informed decision on how to distribute the estate.
3. In the court of perusing the valuation reports, I noted the following issues;
 - a. LR No. 1144/V/115 (Longonot Lodge) has an encumbrance in the form of a charge to ICDC.
 - b. Naivasha/Muichingiri Block 4/2124 also has a charge to Barclays Bank Ltd. (Absa Bank).
 - c. Naivasha Muichigiri Block 7562 and 7563, according to the protestor's affidavit, ought to be distributed to Esther Wanjiru Chege. It is not clear to the court who this person is. The parties need to clarify the issue.
 - d. Plot No. 135, is registered in the name of Grace Njoki Mwangi, not the deceased. As such it is, as it stands not for certainty a part of the estate.
 - e. Naivasha/Mwickingiri Block 4/6436 has a change to Equity Bank Ltd.
 - f. No information was availed to the court on the status of Naivasha/Mwickingiri Block 4/6437.
4. As can be seen, the vast majority of the estate cannot be distributed for the reason cited above.
5. Under Section 86 of the *Law of Succession Act*. All debts owed by the estate have to be paid first before any legacy.
6. In the circumstances, I find that the administrators ought to move to resolve the issues raised first, so that the net estate is clear of any debts and the registration status is known. Once that is done, I will then distribute the estate as the court deems fair and just.



DATED, SIGNED AND DELIVERED AT NAKURU THIS 6TH DAY OF MARCH, 2024.

H. M. NYAGA

JUDGE

In the presence of;

C/A Oleperon

Mr. Keyongo for Peter/Caroline

Mr. Simiyu for Susan

