



REPUBLIC OF KENYA



**In re Estate of Alice Wanjiru Wanji (Deceased) (Succession Cause 3102 of 2015) [2024] KEHC 8593 (KLR) (11 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8593 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
SUCCESSION CAUSE 3102 OF 2015  
HK CHEMITEI, J  
JULY 11, 2024**

**BETWEEN**

**ANDREW GITARI WANJI ..... 1<sup>ST</sup> APPLICANT**

**MICHAEL MUGWERU WANJI ..... 2<sup>ND</sup> APPLICANT**

**AND**

**TIMOTHY EDWARD KIGO WANJI ..... 1<sup>ST</sup> RESPONDENT**

**LILIAN NYAWIRA EJIMADU ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. In their application dated 18<sup>th</sup> May 2023 the Applicants are seeking the following orders:-
  - (a) That the Respondents be ordered to produce and render accounts statements clearly indicating to the extent on how the administrators herein have moved to distribute the estate since their obtaining certificate of confirmation of grant on 15<sup>th</sup> October 2018
  - (b) The administrators be directed to render an account of the rental income received by them on behalf of the estate in respect of plot number LR 3721 (28) Ongata Rongai and plot no A 133 sector 1 Umoja Inner Core Estate Nairobi since July 2014.
  - (c) Any other orders that the court may deem fit to grant.
2. The application is premised on the grounds thereof and the sworn affidavit of Andrew Gitari Wanji dated the same date.
3. The said affidavit essentially blames the Respondents who are the administrators of the estate of their deceased mother for failing to render accounts from the moment they were appointed. He also accused them of deliberately failing to distribute the estate as per the confirmed grant.



4. They are therefore asking for the intervention of this court since all efforts including mediation have failed. They deponed that the Respondents have been utilising proceeds from the rental premises without accounting over the same.
5. The Respondents through the replying affidavit of Timothy Wanji the 1<sup>st</sup> Respondent has vehemently denied and accused the Applicants as well as the co-Respondent for non-cooperation. He went on to deponed that he has accounted for all the amount collected and in fact notified them through various emails.
6. He said that at the time their mother passed on he was in school and that he has been the one running up and down to ensure that the estate was moving forward. He said that as a matter of fact they had even shared out their rural property and added value to the Rongai property by carrying out some constructions.
7. The court directed the parties to file submissions which they have complied. I have perused the same as well as the cited authorities.
8. The issue herein in my view is simply a mistrust between the siblings and lack of accountability by the administrators. They have all been here since 2018 and it appears to me that the administrators have failed to execute the mandate given to them.
9. The issue of adding value to the Ongata Rongai property may be good but then it appears there was no consensus from the rest of the parties. This goes with the fact that there have been collections of rent from some of the premises. The administrators have not been able to account as per the Applicants.
10. What is the way forward? I think the best way is to simply share out the estate as per the confirmed grant. This will ensure that each one of them can do whatever it pleases with their shares.
11. If there are any improvements in any of the properties as alleged by the Respondent, then the same was out of the estates proceeds and I presume the value added was to the interest of the rest.
12. If the Applicant is no longer interested in the estate of her late mother which he has denied, then it must be made clear through the rectification of the grant. For now, it remains an allegation and this court to the extent that the grant has not been rectified will treat it as it is.
13. Consequently, the administrators should within 60 days from the date herein distribute the estate to the beneficiaries as per the grant dated 15<sup>th</sup> October 2018 and in default the Deputy Registrar of this court shall be at liberty to execute the transfer instruments so as to give effect to the said grant.
14. Costs shall be in the cause.

**DATED SIGNED AND DELIVERED IN NAIROBI VIA VIDEO LINK THIS 11<sup>TH</sup> DAY OF JULY 2024.**

**H K CHEMITEI**

**JUDGE**

