



**In re Estate of the Later Harrison Karanja Ng'ang'a alias Maandamano Hardware (Deceased)  
(Succession Cause 1324 of 2009) [2024] KEHC 11625 (KLR) (Family) (3 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 11625 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 1324 OF 2009  
HK CHEMITEI, J  
OCTOBER 3, 2024**

**IN THE MATTER OF THE ESTATE OF THE LATE HARRISON KARANJA NGA'NG'A  
ALIAS KARANJA NGA'NG'A ALIAS MAANDAMANO HARDWARE (DECEASED)**

**BETWEEN**

**JOSEPH MBUGUA KARANJA ..... 1<sup>ST</sup> APPLICANT**

**MARY NJERI ..... 2<sup>ND</sup> APPLICANT**

**AND**

**SALOME NJOKI KARANJA ..... 1<sup>ST</sup> RESPONDENT**

**STEPHEN KIURU KARANJA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. There are two sets of applications which this ruling shall endeavour to deal with. The first application is dated 9<sup>th</sup> October 2019 brought by the Applicant Joseph Mbugua Karanja. The second application is dated 5<sup>th</sup> April 2023 brought by the counsel for the 1<sup>st</sup> and 3<sup>rd</sup> administrators.
2. In the application dated 9<sup>th</sup> October 2019 the Applicant prays for the following orders:-
  - (a) That the Respondent be ordered to furnish to the Applicant and the court with true accounts of income and expenditure of rent collected from property situate at LR No. Nairobi Block 97/1970/030 from 1<sup>st</sup> October 2008 to date.
  - (b) That the monthly rental income generated from the above asset be deposited by the Respondents, their agents and tenants occupying the premises in Standard Chartered Bank Thika road branch account number 01512011232100 on monthly basis from the date the court may specify.



- (d) That the income generated from the property above be equally shared among the beneficiaries.
3. The application is based on the grounds thereof and the sworn affidavit of Joseph Mbugua Karanja dated the same day.
  4. The main thrust of his prayers are contained in the orders of this court dated 27<sup>th</sup> June 2011 where Maraga J (as he then was) directed that true accounts be rendered by the Respondents in respect to proceeds from several properties including the above property.
  5. The application was opposed by the Respondent vide the replying affidavit of Stephen Kiuru Karanja sworn on 15<sup>th</sup> March 2024 in which he deponed that the order cited by the Applicant was set aside by the ruling of Musyoka J on 18<sup>TH</sup> May 2018 and thus the same was no longer valid.
  6. The court without belabouring the point has perused the said ruling by Musyoka J and clearly the same set aside Justice Maraga's order of 27<sup>th</sup> June 2011. In fact, Musyoka J went ahead to state as follows:-
 

“I note that there are outstanding issues relating to LR 97/1970/030 Tassia II. Directions have already been given regarding disposal of the said matter.”
  7. In effect therefore, I do not think it is necessary for now to discuss the above property pursuant to the above directions by the court which have not been set aside either via review or appeal.
  8. The net effect is to disallow the application and direct the Applicants and any other interested beneficiary in the estate to pursue the line given by Musyoka J.
  9. The second application dated 5<sup>th</sup> April 2023 prays for orders that:-
    - (a) The schedule of distribution in the certificate of confirmation of grant to the estate of Harrison Karanja Nganga alias Karanja Nganga be amended to accord with the consent letter dated 21<sup>st</sup> December 2017 and filed in court on 12<sup>th</sup> January 2018 and as per the ruling of Justice Musyoka of 11<sup>th</sup> May 2018 and Justice Muchelule on 17<sup>th</sup> November 2022.
    - (b) That upon rectification a fresh certificate of confirmation of grant be issued.
  10. The application is based on the grounds thereof and the sworn affidavit of J G KIMANI advocate sworn on 6<sup>th</sup> April 2023 and the supplementary affidavit he swore on 6<sup>th</sup> June 2023.
  11. The gist of the application is that the grant which was extracted on 25<sup>th</sup> June 2019 had errors. That the new grant ought to contain the details of the consent dated 21<sup>st</sup> December 2017 as well as the rulings of justices Musyoka and Muchelule.
  12. The application is not opposed. I have perused the same and I think by virtue of the two rulings and the consent there may have been errors made. The same did not go to the root of the matter as the two justices had made their decisions and the parties followed it up with their mutual consent.
  13. In the premises and so as to move this matter to finality I find the application meritorious and allow the same as prayed.

### **Conclusion**

14. For avoidance of doubt the application dated 9<sup>th</sup> October 2019 is hereby dismissed with no order as to costs.
15. The application dated 5<sup>th</sup> of April 2023 is allowed as prayed. Costs shall be in the cause.



DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 3RD DAY OF OCTOBER 2024.

H K CHEMITEI

JUDGE

