



REPUBLIC OF KENYA



**In re the Late Njambi Kingori (Deceased) (Succession Cause  
333 of 2004) [2023] KEHC 19679 (KLR) (4 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 19679 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
SUCCESSION CAUSE 333 OF 2004**

**HK CHEMITEI, J**

**JULY 4, 2023**

**ESTATE OF THE LATE NJAMBI KINGORI(DECEASED)**

**BETWEEN**

**MUSTAFA MUNYI ..... APPLICANT**

**AND**

**JOHN KARARI KINGORI ..... RESPONDENT**

**RULING**

1. The application dated 31<sup>st</sup> January 2022 prays for the following orders;
  - (a) That this court does order the administrator /respondent to give account of the estate herein from the year 2002.
  - (b) That the respondent does transmit the applicants shares in land parcels numbers Mahiga Munyange 223 and plot number 260 new Pangani phase III to the applicant and in default the grant issued to him be revoked.
2. The application is supported by the applicants sworn affidavit and further affidavit sworn on 26 July 2022.
3. The respondent vide his replying sworn on 30<sup>th</sup> March 2022 opposed the application arguing that the same was misconceived as the applicant was enjoying the benefits accruing from the premises on the said property.
4. The issues herein are very clear. On 18<sup>th</sup> November 2005 the respondent was granted letters of administration and the aforesated properties transmitted to him and one Joseph Simon Kingori who has since passed on.



5. It appears from the application for confirmation of grant dated 20<sup>th</sup> September 2005 that the applicant and his other siblings gave their consent to have the respondent act as the administrator and hold the assets of the estate in trust for them.
6. From the evidence on record it appears that after the grant was confirmed nothing has been undertaken thereafter to effect the grant. In other words, the respondent has not transmitted the same to the beneficiaries who included the applicant.
7. Without belabouring the point, I find the application meritorious for the simple reason that if indeed the respondent held the properties in trust then there is no reason why almost twenty years later he is yet to do what his role as an administrator entailed.
8. At this juncture there is no material placed before me to suggest taking of accounts as the applicant has not demonstrated what kind of premises is contained in the properties. Nothing has been shown exhibiting whether the same is commercial, residential or otherwise and attracting any tenants and therefore some rent accruing.
9. Nonetheless, the assets left behind by their mother must be transmitted not only to the applicant but all the affected parties or beneficiaries as shall be agreed by the family.
10. In the premises, the application is hereby allowed as follows;
  - (a) The respondent is hereby directed to distribute the properties namely Mahiga Munyange 223 and Plot No. 260 new Pangani Phase III to the beneficiaries within 60 days from the date herein and in default the grant issued to him shall stand revoked and any other beneficiary shall be at liberty to apply.
  - (b) costs shall be in the cause.

**DATED SIGNED AND DELIVERED AT NAKURU VIA VIDEO LINK THIS 4<sup>TH</sup> DAY OF JULY, 2023**

**H. K. CHEMITEI**  
**JUDGE**

