



**In re Estate of Peter Kamera Nduni (Deceased) (Succession Cause E456 of 2024)  
[2024] KEHC 13818 (KLR) (Family) (7 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13818 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE E456 OF 2024  
H NAMISI, J  
NOVEMBER 7, 2024  
IN THE MATTER OF THE ESTATE OF PETER KAMERA NDUNI (DECEASED)  
AND  
IN THE MATTER OF A CITATION TO ACCEPT OR  
REFUSE LETTERS OF ADMINISTRATION INTESTATE**

**BETWEEN**

**NANCY MUMBI KAMAU ..... CITOR**

**AND**

**HANNAH WANJIRU KAMERA ..... 1<sup>ST</sup> CITEE**

**DANIEL MAINA KAMERA ..... 2<sup>ND</sup> CITEE**

**CATHERINE WANGARI KAMERA ..... 3<sup>RD</sup> CITEE**

**MARY WANGUI KAMERA ..... 4<sup>TH</sup> CITEE**

**VERONIC MUMBI KAMERA ..... 5<sup>TH</sup> CITEE**

**RULING**

1. By Citation dated 10 June 2024, the Citor cited Hannah Wanjiru Kamera, Dabiel Maina Kamera, Catherine Wangari Kamera, Mary Wangui Kamera Adn Veronica Mumbi Kamera to show cause why they should not petition for a grant of representation in respect of the estate of their late father, Peter Kamera Nduni. The Deceased died intestate on 22 January 2016, leaving behind several survivors, comprising of two houses. The first house has ten survivors, one of whom is the Citor. The second house comprises of the five citees named herein.



2. In the Affidavit in Verification of the Proposed Citation, the Citor averred that the beneficiaries of the second house have refused to give their consent to enable the other beneficiaries to take out Letters of Administration of the estate of the Deceased. She has attached a letter dated 15 January 2024 from the Chief, Kawangware Location, indicating the beneficiaries from the two houses. The letter further indicates that the two houses held a meeting on 12 January 2024 at the Deputy County Commissioner's offices. However, the second house, which was represented by Mary Kamera, indicated their unwillingness to produce their national identity cards.
3. In response to the Citation, the Citees, represented by Daniel Maina Kamera, the 2nd Citee, filed a Replying Affidavit sworn on 15 July 2024. He averred that the second family did not refuse to present their details to the Chief, but rather that the Citor did not inform them that she intended to commence succession proceedings in respect of the estate of the Deceased. Further, he denied ever having been requested for such information by the Chief or to sign any documents in respect of succession proceedings.
4. At paragraph 10 of the Replying Affidavit, the 2nd Citee stated that they recently discovered a Will by the Deceased, which had been in the custody of his Advocate, and in which the Deceased appointed an Executrix.
5. The Citor filed a Further Affidavit dated 19 July 2024, challenging the validity of the Will on the basis that at the time that the Will was purportedly signed, the Deceased was indisposed and physically incapacitated.
6. Parties filed their written submissions in respect of the Citation.
7. I note that while the Citation was pending determination, the Citees quickly filed a Petition for Probate of Written Will dated 19 August 2024. Suffice it to say that the Citation has served its purpose. That is to say that as a result of the citation, the Citees have been moved to action and the commenced succession proceedings in respect of the estate of the Deceased.
8. In the premise, the succession proceedings commenced by the Citees will be allowed to proceed to its natural conclusion. The Petitioners (Citees) are directed to serve the said Petition upon the Citor.

**DATED AND DELIVERED AT NAIROBI THIS 7 DAY OF NOVEMBER 2024.**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

Aluoch .....for the Citor

Burugu h/b Macharia..... for the Citees

