



In re Esxttae of the Late Eliud Njoroge Kuria (Deceased) (Succession Cause 2433 of 2010) [2024] KEHC 13833 (KLR) (Family) (7 November 2024) (Directions)

Neutral citation: [2024] KEHC 13833 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
FAMILY
SUCCESSION CAUSE 2433 OF 2010
HK CHEMITEI, J
NOVEMBER 7, 2024
IN THE MATTER OF THE ESTATE OF THE LATE ELIUD NJOROGE KURIA (DECEASED)**

BETWEEN

PETER KURIA APPLICANT

AND

PHYLLIS WANGARI 1ST RESPONDENT

SIMON MUHIA 2ND RESPONDENT

AND

MARGARET WANJIRU INTERESTED PARTY

LUCY WANJIKU INTERESTED PARTY

NELLIE NDUTA INTERESTED PARTY

BERNARD NJOROGE INTERESTED PARTY

EUINCE MUTHONI INTERESTED PARTY

GEOFFREY KIARIE INTERESTED PARTY

JOSEPH KURIA INTERESTED PARTY

DIRECTIONS

1. The Applicant herein who also doubles up as an Administrator to the estate has filed the application dated 23rd November 2023 seeking a raft of prayers. The said prayers boards on contempt proceedings against the Respondents and some of the interested parties.



2. In response Geoffrey Kuria on his own behalf and those of the other Respondents filed a replying affidavit sworn on 22nd January 2024.
3. The 1st Respondent filed grounds of opposition dated 10th March 2024 as well as those dated 5th February 2024.
4. The parties filed status reports dated 5th April 2024 by the Applicant and that of the Interested Parties dated 8th April 2024.
5. The parties have equally filed their respective submissions in support and opposition to the application.
6. The court having gone through the application and in particular the prayers sought is of the considered view that justice will only be served if indeed the parties have implemented the rectified grant dated 10th May 2019.
7. The status report filed by the parties will only be interrogated through a forensic tooth comb to ascertain that what the parties are stating is in consonance with the confirmed grant.
8. There are issues relating for instance to the sale of LR No Makuyu/kimorori/block 1824-1829. The court cannot make much determination on the issues raised by the Applicant until proper accounts are taken.
9. The same goes with the issues surrounding Komarock Flat LR No Nairobi Block 133/12 Flat No. 14. Should it be sold to the 5th Interested party and why? That will come out if indeed it was agreed by the parties.
10. How were the proceeds from the sale of Njoro/Ngata Block 1/1048 handled? Again, accounts have to be interrogated.
11. So, all that the court is stating is that the status report needs an in-depth analysis so that the court can make an informed decision. This work is best suited for now to the Deputy Registrar who shall proceed to have a sitting with the parties, go through the two status reports juxtaposing with the confirmed grant and come up with a proper conclusion and directions.
12. The parties including those cited for contempt will have the opportunity before the said court to present their story as well.
13. Once the Deputy Registrar deals with these issues then the court can look at the application together with the report and make an informed decision including the prayers sought by the Applicant. Otherwise, it is the view of this court that proceeding in the manner requested by the Applicant will jeopardize many considering what has taken place over the years.
14. The issue of the sale consideration which the Applicant has placed so much emphasis will be dealt with appropriately by the Deputy Registrar taking into account the paper trail involved.
15. For the above reasons the ruling in the application herein is deferred to await the outcome of the Deputy Registrars' action.
16. This matter be mentioned forthwith before the Deputy Registrar.

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 7TH DAY OF NOVEMBER 2024.

H K CHEMITEI

JUDGE

