



REPUBLIC OF KENYA



In re Estate of Joseph Wanyiri Kingori (Deceased) (Succession Cause E019 of 2024) [2024] KEHC 15716 (KLR) (10 December 2024) (Ruling)

Neutral citation: [2024] KEHC 15716 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
SUCCESSION CAUSE E019 OF 2024
CM KARIUKI, J
DECEMBER 10, 2024
IN THE ESTATE OF JOSEPH WANYIRI KINGORI (DECEASED)**

RULING

1. By motion dated 26.11.2024, the applicants sought;
2. the respondents, Henry Kingori Wanyari and Morris Kuta Wanyiri are to be cited for contempt for the violations of orders issued on 27.8.2024
3. That Limited grant Ad litem colligenda bona be issued to Nancy Wambui Wanyiri for the collection and preservation of the deceased estate comprising parcels listed on the part of the record.
4. That this Court be pleased to Maintain Caveat/Caution/Stay on any dealings with or any of the following Parcels, pending hearing and determination Filed on: 2024-11-26 11:08:18+03 - BY: Rose Thuku And Associates Advocates - Reference: E3MAVX3B - KSH. 1500.00 4 of this matter as earlier issued by this Court on 27th August 2024; 1. ASSETS:
 - Nyandarua/Silibwet/698
 - Nyandarua/Silibwet/1941
 - Nyandarua/Silibwet/4427
 - Nyandarua/Silibwet/1867
 - Nyandarua/Silibwet/574
 - Nyandarua/Silibwet/1820
 - Maram/Ng'arua/577
 - Sipili/Donyoloip Block 1/237
 - Sipili/Donyoloip Block
 - Kitengelaplot Allotment A271 (unregistered)
 - Sipili/Donyoloip Block 577



5. Shareholder With Upendo Help Group Total Estimated Value: Kenya Shillings; 45,000,000.00/- 5. That the honorable Court be pleased to issue an order temporarily barring Henry King'ori Wanyiri And Morris Kuta Wanyiri and their agents from any dealings with the estate of the deceased pending hearing and determination of this matter.
6. The application is based on grounds on the face of the application and a supporting affidavit That reiterates the same grounds. Namely, That the Late Beatrice Wanjiku Wanyiri, who died on 5th November 2024, had Petitioned this Honourable Court for a grant of letters of administration intestate of the estate of the above-named Joseph Wanyiri King'ori who died on 30th August 2013.
7. That the Late Beatrice Wanyiri had discovered attempts and plans by two of her Sons, Henry King'ori Wanyiri And Morris Kuta Filed on: 2024-11-26 11:08:18+03 - By: Rose Thuku And Associates Advocates - Reference: E3MAVX3B - KSH. 1500.00 5 Wanyiri to sell and deal with part of the Deceased assets and benefit in exclusion of their other siblings, without her consent as their Mother.
8. That the Risk of wastage of the deceased assets is even higher since the sudden death of their Mother, Beatrice Wanyiri; the two Sons, earlier accused of intermeddling, have taken steps to isolate the other beneficiaries, especially daughters, directing Kitengela tenants to pay rent to different bank accounts.
9. That the Applicant herein is the Firstborn in the Family and is keen on ensuring the collection and preservation of the Deceased's assets. That the Applicant has a beneficial interest in all of the properties of her Deceased Father, Joseph Wanyiri King'ori.
10. That Beatrice Wanjiku Wanyiri has Petitioned this Honourable Court for a grant of letters of administration intestate of the estate of the above-named Joseph Wanyiri King'ori, who died on 30th August 2013.
11. That the Applicant has discovered attempts and plans by one of her Sons to sell part of the Deceased assets without her consent or knowledge.
12. That the Applicant bought all the parcels with her Husband and is being sidelined by one of her sons, causing her mental anguish and pain in her old age.
13. That the Applicant has a life interest in all of the properties of her Deceased Husband, Joseph Wanyiri King'ori, That the Applicant presented the petition in my capacity as the only wife of the Late Joseph Wanyiri King'ori, the deceased and no other person has an equal or prior right to a representation herein of grant.
14. That the grant of the said orders is essential for the preservation of the rule of law pending the hearing and determination of this case. 12. Wambui wants the Plaintiff to face the Risk of suffering irreparable injury if a temporary injunction is not granted.
15. The beneficiaries, Morris Muta King'ori And Henry King'ori Wanyiri opposed the application via their joint replying affidavit when the matter came for directions over the issue of who was to manage the estate pending determination of the instant matter.
16. In the instant matter, the beneficiaries represented who filed the affidavit above proposed an agent to be appointed to do the task of management in the interim. In contrast, the beneficiaries represented by Kiama advocates supported the applicants' proposal That Nancy Wambui Wanyiri, Jane Wangari Wanyiri, and Peter Mwangi Wanyiri be issued with Limited grant Ad litem colligenda bona for the collection and preservation of the deceased estate comprising parcels listed on the part of the record.



17. Further, the Court was notified That the Family of the parties herein is scheduled to meet on 30.12.2024 to try to settle the instance matter. The Court will make directions on the issue of interim managers of the estate by issuing the limited grant mentioned above.
18. In view of the foregoing, the Court found fit to make the orders as follows;
 1. Limited grants Ad colligenda bona to issue to;
 - i. Nancy wambui Wanyiri
 - ii. ii Jane Wangari Wanyiri
 - iii. iii. Peter Mwangi Wanyiri, for the purposes of collecting and preserving the deceased estate. They shall open a joint account in which they shall deposit any proceeds/ income, including rents they will be collecting from the deceased person's estate, and they shall be accounting for the same to the other beneficiaries.
 2. The properties listed in prayer no 4 of the application dated 26.9.2024 shall not be intermeddled with by any person and/or beneficiaries by either sale, transferring, leasing, or whatsoever interfered with unless with the Court's approval.
 3. The account of the income and /or proceeds realized from the estate of the deceased person shall be rendered to the Court every three (3) months with effect from the first week of April 2024.
 4. There will be liberty to apply.
 5. Parties are to file any papers and serve/exchange them by the following mentioned dates for directions.
 6. Meanwhile, the matter should be fixed for hearing and disposal on a priority basis upon the parties' filing of their papers.
 7. Court encourages parties to engage and or continue with an Alternative Dispute Resolution (ADR).

RULING DATED, SIGNED, AND DELIVERED AT NYANDARUA THIS 10TH DAY OF DECEMBER 2024

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CHARLES KARIUKI

JUDGE

