



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**FAMILY DIVISION**  
**SUCCESSION CAUSE NO. 2715 OF 2001**  
**IN THE MATTER OF THE ESTATE OF PATRICK NGUGI KAMANGARA (DECEASED)**  
**JUDGMENT**

1. The deceased Patrick Ngugi Kamangara died on 8<sup>th</sup> September 1991. He was survived by one widow (also deceased) and the following 11 children:

- a) Benedict Murigi Ngugi;
- b) Francis Njenga Ngugi;
- c) Lawrence Njoroge Ngugi;
- d) Paschali Muya Ngugi;
- e) Dominic Muthui Ngugi;
- f) Salome Wambui Ngungu;
- g) Teresia Wanjiru Kamami;
- h) Petronilla Nyokabi Kimuhu;
- i) Jacinta Njeri Ngugi;
- j) Richard Kangaru Ngugi(deceased) (survived by his wife Teresia Wangui and 5 children); and
- k) Lucia Wanjiru Ngugi (deceased)(not survived by a spouse or child).

It was agreed among the beneficiaries that the deceased had sold 2 acres of L.R 1082/13 Thika Municipality to Patrick Mwaura Wagatira and donated one acre to Nyacaba Primary School.

2. A grant of letters of administration intestate was issued to Lawrence Njoroge Ngugi and Benedict Murigi Ngugi on 17<sup>th</sup> July 1998 and has been pending confirmation. The beneficiaries agreed on the following to be the properties comprising of the estate of the deceased:

- i. L.R 1082/13 Thika Municipality measuring -30 Acres
- ii. Ngenda/Karuri/63 -7.52 Acres
- iii. Ngenda/Karuri/T364-0.368 Acres
- iv. Ngenda/Mangu/64-1.51 Acres

- v. Account No. [particulars withheld], Barclays Bank Thika
- vi. Share Certificate No. [particulars withheld], Ngenda Location Ranching Co. Ltd
- vii. Certificate No.[particulars withheld]-ICDC Investment Co. Ltd
- viii. Share Certificate No. [particulars withheld]- Ngenda Location Ranching Co. Ltd
- ix. Karuri Rumwe Farmers-Plot No. 19

3. Parties filed their respective proposed modes of distribution which I have considered.

4. The distribution of the estate of the deceased is governed by **section 38 of the Law of Succession Act**, which envisages equal distribution of the estate of the deceased amongst his children. Richard Kangaru Ngugi was survived by his widow Teresia Wangui.

5. I note that there is consent on record filed by 8 beneficiaries of the estate, being Benedict Murigi Ngugi, Francis Njenga Ngugi, Teresia Wangui Kangara, Paschali Muya Ngugi, Teresia Wanjiru Kamami, Salome Wambui Ndungu, Petronilla Nyokabi Kimuhu and Jacinta Njeri Ngugi. The consent is agreeable to Dominic Muthui Ngugi and Lawrence Njoroge Ngugi in the following terms:

**L.R 1082/13 Thika Municipality**

Benedict Murigi Ngugi - 3.04 Acres

Francis Njenga Ngugi - 5.70 Acres

Teresia Wangui Kangara - 3.025 Acres

Paschali Muya Ngugi - 3.025 Acres

Teresia Wanjiru Kamami - 1.00 Acres

Lawrence Njoroge Ngugi - 4.15 Acres

Dominic Muthui Ngugi - 3.025 Acres

Salome Wambui Ngungu - 1.00 Acres

Petronilla Nyokabi Kimuhu - 1.00 Acres

Jacinta Njeri Ngugi - 3.025 Acres

Patrick Wagatira - 2.00 Acres

Nyacaba Primary School - 1.00 Acres

**Ngenda/Karuri/63**

Lawrence Njoroge Ngugi - 0.40 Acres

Teresia Wangui Kangara - 1.525 Acres

Paschali Muya Ngugi - 1.225 Acres

Dominic Muthui Ngugi - 1.525 Acres

Jacinta Njeri Ngugi - 1.525 Acres

**Ngenda/Karuri/T368**

Paschali Muya Ngugi (whole). He already lives on the property.

**Ngenda/Mangu/64**

Benedict Murigi Ngugi (whole)

6. I adopt the mode of distribution in respect of the four properties as agreed by the parties.

7. The remaining part of the estate which is contentious is Account No. [particulars withheld], Barclays Bank Thika, Share Certificate No. [particulars withheld] Ngenda Location Ranching Co. Ltd, Share Certificate No. [particulars withheld] ICDC Investment Co. Ltd, Share Certificate No. [particulars withheld] Ngenda Location Ranching Co. Ltd and the land referenced number Karuri Rumwe Farmers-Plot No. 19.

8. Regarding Account No. [...], Barclays Bank Thika, the consent of the 8 beneficiaries proposed that the money be used to pay for the survey work of subdividing the ancestral land and L.R. 1082/13 Thika Municipality. Lawrence Njoroge Ngugi and Dominic Muthui Ngugi proposed that the money be distributed equally among all the beneficiaries. I order that the money be used to pay for the survey work of subdividing the ancestral land and L.R. 1082/13 Thika Municipality, and whatever is left after the subdivision be distributed equally among all the beneficiaries.

9. The 8 beneficiaries who signed the consent also proposed that Share Certificate No. [particulars withheld] be shared equally between Paschali Muya Ngugi and Benedict Murigi; that Share Certificate No. [particulars withheld] be apportioned to Francis Njenga Ngugi in whole; and Share Certificate No. [particulars withheld] be equally shared between Lawrence Njoroge Ngugi and Dominic Muthui. Lawrence Njoroge Ngugi and Dominic Muthui Ngugi again proposed that the share certificates be distributed equally among all the beneficiaries. Noting the equality of all beneficiaries envisaged by **section 38 of the Law of Succession Act**, I agree with Lawrence Njoroge Ngugi and Dominic Muthui Ngugi's proposal and order that the shares be equally distributed among all the 10 children of the deceased.

10. The last property is Karuri Rumwe Farmers-Plot No. 19 which the 8 beneficiaries in their consent proposed that it be equally distributed between Jacinta Njeri Ngugi and Teresia Wangui Kangera. Lawrence Njoroge Ngugi proposed that it be distributed equally between himself and Jacinta Njeri Ngugi, while Dominic Muthui Ngugi proposed that it be apportioned to him absolutely. I accept what the majority of beneficiaries have proposed, and therefore the property shall be equally shared between Jacinta Njeri Ngugi and Teresia Wangui Kangera.

11. In those terms, the grant of letters of administration intestate issued to Lawrence Njoroge Ngugi and Benedict Murigi Ngugi on 17<sup>th</sup> July 1998 shall be confirmed.

12. This was a family dispute. Each party shall bear own costs.

**DATED and SIGNED at NAIROBI this 14<sup>TH</sup> day of MAY 2018**

**A.O. MUCHELULE**

**JUDGE**