



REPUBLIC OF KENYA



**KENYA LAW**

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**In re Estate of Binea Richardson Wafula (Deceased) (Probate & Administration  
E008 of 2021) [2025] KEHC 13272 (KLR) (23 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 13272 (KLR)

**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT BUNGOMA**

**PROBATE & ADMINISTRATION E008 OF 2021**

**MS SHARIFF, J**

**SEPTEMBER 23, 2025**

**IN THE MATTER OF THE ESTATE OF BINEA RICHARDSON WAFULA (DECEASED)**

**BETWEEN**

**ALEX WAFULA KHAEMBA ..... RESPONDENT**

**AND**

**RASOA MITO BEN ..... 1<sup>ST</sup> APPLICANT**

**JEDIDAH NJOKI MWANGI ..... 2<sup>ND</sup> APPLICANT**

**RULING**

1. The administrators/applicants have moved this court vide a summons dated 24.7.2025 which is brought under the provisions of Section 47, 76 and 83 of the *Law of Succession Act* CAP 160 of the Laws of Kenya and Rule 73 of the probate and Administration Rules. Wherein they are craving for the following orders: -
  - i. That the interested parties herein namely Joyce Wafula, Richard Wafula and Andrew Wafula be compelled to render full and accurate inventory and statement of account of the estate and in particular the rental proceeds in respect of all that property known as Nakuru Municipality Block 11/142 from 8<sup>th</sup> July 2019 to date within a period of 30 days or such period as this court may order. The applicants also crave for costs.
2. This application is supported by the affidavit of Rasoa Mito Ben sworn on 24.7.2025 wherein he deposes that the Interested parties who are from the 1<sup>st</sup> household have been collecting rent from a commercial property staying on parcel No. Nakuru Municipality Block 11/142 since 19.7.2019 when the deceased passed on and have not accounted for the said rental income.
3. The applicant maintain that the deceased was polygamous and was survived by 3 widows namely: -
  - i. Joyce Wafula



- ii. Jedidah Njoki Mwangi
  - iii. Rasoa Mito Ben
4. Whereas the respondents were duly served with this application as evident from the affidavit of service sworn by Saul S. Wasilwa on 6<sup>th</sup> August 2025 which demonstrates that service was duly effected upon them vide their mobile telephone Number; 0722224183 for Joyce Wafula, 0726109150 for Richard Wafula and 0721 857486 in respect of Andrew Wafula, on 31.7.2025, the Respondent did not file any response to this application and as such the same is unopposed and I thus allow it and make the following orders:-
- i. The Interested Parties namely Joyce Wafula, Richard Wafula and Andrew Wafula are hereby ordered to render true and accurate accounts of the rental proceeds received in respect of all that commercial building plot standing on parcel No. Nakuru Municipality Block 11/142 from 8<sup>th</sup> July 2019 to date within a period of 60 days from the date hereof.
  - ii. The applicant to bear her own costs.
  - iii. Mention on 18<sup>th</sup> December 2025 to confirm compliance.

**DATED AND DELIVERED AT BUNGOMA THIS 23<sup>RD</sup> DAY OF SEPTEMBER 2025**

**M.S. SHARIFF**

**JUDGE**

