



**In re Estate of Paul Mburu Karanja (Deceased) (Succession Cause E027 of 2021) [2025] KEHC 14219 (KLR) (23 September 2025) (Ruling)**

Neutral citation: [2025] KEHC 14219 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIVASHA  
SUCCESSION CAUSE E027 OF 2021  
GL NZIOKA, J  
SEPTEMBER 23, 2025**

**IN THE MATTER OF THE ESTATE OF PAUL MBURU KARANJA (DECEASED)**

**BETWEEN**

**PHILIS WANGARI MBURU ..... 1<sup>ST</sup> APPLICANT**

**LEAH WAMBUI MBURU ..... 2<sup>ND</sup> APPLICANT**

**AND**

**MARY MUTHONI NJENGA ..... 1<sup>ST</sup> RESPONDENT**

**LILIAN WAITHIRA MBURU ..... 2<sup>ND</sup> RESPONDENT**

**DORCAS WANJIKU MBURU ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. The background facts herein are that the letters of administration intestate were issued on 1<sup>st</sup> April, 2022. Thereafter on 30<sup>th</sup> August, 2022, an affidavit of protest was filed against the summons for confirmation of grant. Notably at that time there was no summons for confirmation of grant filed yet. Consequently, a notice dated 26<sup>th</sup> October 2022, for withdrawal of the affidavit of protest was filed and the protest marked as withdrawn.
2. Subsequently a summons application dated 16<sup>th</sup> May, 2023 was filed by the applicants/beneficiaries seeking for the following orders: -
  - a. That the application be certified as urgent and its service thereof be dispensed with at first instance.
  - b. That pending hearing and determination of the application interparties, an order do issue restraining the Respondents either by themselves, their proxies, agents and/or servants from intermeddling with the estate properties in particular from withdrawing money from account



number 1003280291 at Kenya Women Finance Engineer Branch, 0053000000001 Family Bank Naivasha Branch and undisclosed account at Absa Bank Naivasha Branch.

- c. That pending the hearing and determination of this succession cause the court do appoint an agent for collection and management of the rent and profits generated from the deceased properties as listed here below.
- i. Naivasha/Naivasha Municipality/1144/528/18 (also known as Bismillahi Building).
  - ii. Naivasha/Naivasha Municipality/524 (also known as Muruaki House).
  - iii. Naivasha/Naivasha Municipality/1144/XXIV/182 (Kabati).
  - iv. Naivasha/Naivasha Municipality/1144/XXIV/12-14 (also known as Multiline).
  - v. Naivasha/Naivasha Municipality/1144/XXIV/2 (Kabati).
  - vi. Naivasha/Naivasha Municipality/1144/178 (Site and Service).
  - vii. Nyandarua/Engineer/20 (Nyandarua Building).
  - viii. Nyandarua/Kahuru/1235 (Kahuru House).
  - ix. Nyandarua/Engineer/35
  - x. Nyandarua/Mumui/307
  - xi. Nyandarua/Mumui/307
  - xii. Nyandarua/Kahuru/1170
  - xiii. Nyandarua/Engineer/10

That in the alternative the court do direct that the same be deposited in court.

- d. That the Respondents be ordered to account for the rent collected from the rental properties aforementioned since June 2015.
- e. That the Grant of Letters of Administration issued to the 1st Respondent Mary Muthoni Njenga on 1<sup>st</sup> April 2022 be revoked.
- f. That the court under its powers do issue a special citation to the applicants, Phillis Mburu and Lilian Waithira Mburu and/any other person or persons including the widows of the deceased to proceed with this succession cause for a just and prudent administration of the vast estate of the late Paul Mburu Karanja for the best interest of the beneficiaries.
- g. That cost of this application be provided for.
- h. That the court to issue any other orders which would be for the best interest of the estate.
3. The application is based on the following grounds:
- a. The respondents have been collecting rent and intermeddling with the estate since they have deliberately declined to associate all the beneficiaries in the management and share of the proceeds from the estate.
  - b. The income generated from the estate has been held and utilized by the respondents who are using the estate proceeds to buy properties in their own names.



- c. The 1<sup>st</sup> respondent deliberately failed to disclose to this Honourable Court the existence of bank accounts in the name of the deceased which holds a lot of money.
  - d. The 1<sup>st</sup> respondent using her son attempted to withdraw money from an estate account.
  - e. The 1<sup>st</sup> respondent with the grant issued by this court and using her son-in-law attempted to have rent from the estate properties paid to her daughter.
  - f. Justice will require that the respondents do account for what they have collected since June 2015 and the estate be managed through an agent appointed by this Honourable Court.
  - g. The application is made in good faith and/or for the benefit of all beneficiaries and the affidavit of Phillis Wangari Mburu.
4. However, the application was opposed vide grounds of opposition dated 19<sup>th</sup> June 2023, filed by the petitioner which states:
- a. The orders sought in the said application contradicts the provisions of section 79, 82 and 83 of the Law of Succession Act. It is the duty of the Administrator of the estate to collect all monies that are due to the estate and to manage the assets of the estate in accordance with the Law. The Administratrix holds a Grant to this estate that was issued to her by this Honourable Court on 14<sup>th</sup> April 2022. She has a duty to manage the estate which duty includes the collection of rents owed to the estate. This Honourable Court ought not to issue orders whose effects is to restrain the Administratrix from complying with her statutory obligations.
  - b. In the summons, the applicants have not demonstrated how the Administratrix has intermeddled with the estate that she is administering or how she has failed in her duties as the administrator of the estate. They have not produced any evidence of intermeddling or maladministration or misappropriation of any income of the estate. The applicants have only made general allegations without any evidence. This Honourable Court ought not to act on mere allegations.
  - c. In their summons, the applicants appear to blame one Joseph Maina Mburu for the woes of the estate. Joseph Maina Mburu is not an administrator of the estate. He has not been appointed by this court to handle any aspect of the estate of the deceased. He has no control over the assets of the estate. His activities, if any concerning the estate cannot be visited upon the Administratrix. Activities of third parties cannot be visited upon an administrator without evidence of fraud or collusion.
  - d. There is no case made by the applicants for revocation of the grant issued to the Administratrix of the estate. The provisions of section 76 of the Law of Succession Act is very specific the proceedings by which the Administratrix obtained the grant are not defective in substance, the grant was not obtained fraudulently by the Administratrix making a false statement or by concealment from the court of something material, the grant was not obtained by means of untrue allegations of fact, the administrator has not failed to act diligently in relation to the administration of the estate and the grant has not become useless and inoperative through subsequent circumstances. Therefore, the applicants have not made any case for revocation of the grant under section 76 of the Law of Succession Act nor have they produced any evidence to warrant the revocation of the grant.
  - e. Contrawise, there is evidence that the administrator is a consensus builder who has the support of the large family as exhibited by the withdrawal of the affidavit of protest dated 30<sup>th</sup>



August 2022 that was recorded by the court on 27<sup>th</sup> October 2022. The Administratrix has demonstrated capability to build family unity and is effective in the management of the estate assets and estate affairs.

- f. Revocation of the grant would plunge the estate into chaos, there would be no control over the assets of the estate, the assets may be sold and the income of the estate may be wasted by the beneficiaries. It is undesirable to revoke the grant which was regularly issued by the court about one year ago.
  - g. The applicants would not be suitable parties to be appointed as administrator of the estate as they are far removed in the order of consanguinity to the deceased.
5. Lilian Waithera the 2<sup>nd</sup> respondent also filed a replying affidavit dated 16<sup>th</sup> May 2023 wherein she avers that she is deposing to matters therein on her own and on behalf of and with authority of the 3<sup>rd</sup> respondent. That she is aware that the 1<sup>st</sup> respondent petitioned the court and was issued with a grant of letters of administration on 1<sup>st</sup> of April 2022, however summons for confirmation of grant is yet to be filed.
  6. That the instant application is full of misrepresentation of facts as the bank accounts mentioned by the applicant are locked and rental income have been trickling in but no one can withdraw them until the succession cause is completed and certificate of confirmation of grant issued.
  7. Further that the applicant has not sworn any averment to prove that she and 3<sup>rd</sup> respondent have been receiving rent from the aforementioned properties since 2015, as such the applicant is on a fishing expedition and what is at play is a clear rivalry. That she can only reluctantly agree to prayer number 6, so that the succession cause can proceed for the betterment of all the beneficiaries.
  8. However, Leah Wambui Mburu 2<sup>nd</sup> applicant swore a further affidavit dated 26<sup>th</sup> July 2023 on her own and on behalf of the 1<sup>st</sup> applicant. She deposed that on 19<sup>th</sup> July 2023, she and the 1<sup>st</sup> applicant were able to raise their sister Mary Muthoni Njenga on her cell phone number 078622442 who informed them that she was at Olkalou where she was constructing a house. That on enquiring as to the content of paragraph ten of the Replying affidavit dated 27<sup>th</sup> June 2023, she denied swearing such an affidavit as she has not been collecting rent and or directing the same should be deposited at Equity Bank neither was she in Nairobi on 27<sup>th</sup> June 2023.
  9. That it is apparent that if what the 1<sup>st</sup> respondent told them is true then she is not the one in control of the estate but somebody else is using her to achieve other ulterior motives. That their stand and objective in this application is to rescue their sister from those misleading her and have their father's estate distributed to the beneficiaries as per the [Law of Succession Act](#).
  10. The court directed that, parties file submissions on the application and the applicant filed submissions dated 30<sup>th</sup> January 2024 and argued that the 1<sup>st</sup> respondent/petitioner was issued with the grant of letters of administration on 1<sup>st</sup> April 2022 in Nyahururu vide Citation Cause No. E2 of 2020 after the 2<sup>nd</sup> and 3<sup>rd</sup> respondents who are widows of the deceased, showed no interest in applying for the same. That as an Administrator, the 1<sup>st</sup> respondent/petitioner is required to faithfully administer the estate of the deceased in accordance with law and render a true and just account of the same when required to do. However, she has failed to discharge the duty bestowed on her necessitating the revocation of the grant.
  11. The applicants cited section 76 of [Law of Succession Act](#) which sets out circumstances under which a grant can be revoked and submitted that the 1<sup>st</sup> respondent has failed to apply for confirmation of the grant for over one (1) since the grant of letters of administration intestate were issued on 1<sup>st</sup> April



2022. The applicants further relied on section 83 (e) of the *Law of Succession Act* which provides that an administrator shall within six (6) months from the issue of a grant produce in court a full and accurate inventory of the assets and liabilities of the deceased and full and accurate dealings up to the date of the account and argued that the 1<sup>st</sup> respondent/petitioner has failed to disclose and/or has excluded some properties.
12. Further that the 1<sup>st</sup> respondent/petitioner has not rebutted nor denied the serious allegations made against her in paragraphs 7, 8, 9, 10, 12, 13, 14, 15, 16, 17 and 18 of the supporting affidavit of the 1<sup>st</sup> applicant dated 16<sup>th</sup> May 2023. That it is a clear indication that the 1<sup>st</sup> respondent/petitioner doesn't know where the income from the estate is going to and neither is she aware of her duties as the Administratrix.
  13. The applicants stated that while the petition of grant of letters of administration were only signed without a thumb print under the name of Mary; the notice of change of Advocates from the firm of J. M. Waiganjo & Co. Advocates to the firm of Lawrence M. Mbabu & Associates Advocate was signed Mary and bore her thumb print. That based on the afore differences in form of signatures, the 1<sup>st</sup> respondent/petitioner did not sign the petition documents neither did she visit the office of J. M. Waiganjo & Co. Advocates.
  14. Further that the 2<sup>nd</sup> respondent at paragraph 6 of her replying affidavit was sketchy with information that would have assisted the court. That while she averred that the rental income was being paid into the bank accounts mentioned, she further stated that the said accounts were blocked and no one could withdraw the funds. However, she has failed to disclose what she is relying on for her subsistence.
  15. That the 2<sup>nd</sup> respondent vide her replying affidavit has supported prayer (6) of the applicants' application and should be allowed. The applicants urged the court to revoke the grant and invoke the provisions of section 66 of the *Law of Succession Act* and exercise, discretion to whom the grant of letters of administration shall be granted for the best interest of all the parties concerned. The applicants relied on the case of; Charles Mukonu Kiruki vs Celina Nyai Kiruki [2017] eKLR and In re Estate of the Late Epharus Nyambura Nduati [2021] eKLR.
  16. The petitioners filed submissions dated 9<sup>th</sup> February 2024 and argued that the 1<sup>st</sup> respondent was not intermeddling in the deceased's estate as she was issued with grant of letters of administration on 1<sup>st</sup> April 2022. The respondents relied on the case of Veronica Njoki Wakagoto (Deceased) [2013] eKLR where it was held that the property of a deceased cannot be lawfully dealt with unless authorized to do so by a grant of representation. Further that the 1<sup>st</sup> respondent in executing her mandate under section 79, 82 and 83 of the *Law of Succession Act* was collecting rent owed to the estate. The case of In Re Estate of Ndiba Thande (Deceased) [2013] eKLR was cited where the High Court state that the administrator has a duty to contract with third parties in regard to the deceased's property including letting the property out and collecting rents.
  17. That the applicants have not tendered any evidence to show how the respondents intermeddled with the deceased's property. Further, the applicants blame the 1<sup>st</sup> respondent/petitioner's son – in – law and daughter for attempting to withdraw money from Family Bank Account No. 053000000001 Naivasha Branch; and collect rent through Riverside Commercial Agent but they are not a party to the suit.
  18. On whether the grant should be revoked the respondents cited the case of In Re Estate of Agwang Wasiro (Deceased) [2020] eKLR where the court outlined the three instances where a grant can be revoked being; firstly that the process of obtaining the grant was defective or there was fraud or misrepresentation; secondly, where the administrator has difficulties in executing his/her duties e.g.



failing to apply for confirmation of grant within the period allowed in law; and thirdly, where the grant is inoperative e.g. by the death, unsound mind or bankruptcy of a sole administrator.

19. The respondents thus submitted that the grant was obtained following due process of the law, with the consent of all beneficiaries following a family meeting where it was agreed that the firm of Bob Okumu & Co Advocates be appointed to represent the family. Further none of the beneficiaries raised on objection during the 30 day gazette period. Furthermore, the administratrix is willing to render an account of the estate when called to do so by the court.
20. Lastly, the respondent submitted that they supported prayer (6) of the applicant's application seeking to have the co-widows appointed as additional administrators. They referred the court to section 56(1) (b) of the Law of Succession Act that limits the number of administrators to four (4).
21. At the conclusion of arguments by the parties and before a decision on the application dated 16<sup>th</sup> May 2023 was rendered, summons for confirmation of grant dated 25<sup>th</sup> June 2024 was filed wherein the applicant is seeking for the following order;
  - a. That the Grant of Letters of Administration Intestate made to the said Mary Muthoni Njenga in this matter on 1<sup>st</sup> April, 2022 be confirmed.
  - b. That costs of this application be costs in the cause.
22. The summons for grant is based on the following grounds;
  - a. That Grant of Letters of Administration Intestate was issued to Mary Muthoni Njenga on 1<sup>st</sup> April, 2022.
  - b. That on 27<sup>th</sup> October, 2022 an affidavit of protest dated 30<sup>th</sup> August, 2022 filed herein by Lilian Waithira Mburu, Dorcas Wanjiku Mburu and Charles Mwangi Mburu was withdrawn by consent.
  - c. That the deceased is survived by the following;
    - 1st. House  
Sarah Njoki, widow (deceased)
      - i. Mary Muthoni Mburu – daughter
      - ii. Johnson Karanja Mburu – son
      - iii. James Mdarwa Mburu – son
      - iv. Rose Wanjiku Mburu – daughter
      - v. Peter Thati Mburu – son
      - vi. Beatrice Waithira Mburu – daughter
      - vii. Phyllis Wangari Mburu – daughter
      - viii. Lucy Wanjiru Mburu – daughter
      - ix. Charles Mwangi Mburu – son
      - x. Leah Wambui Mburu – daughter
    - 2nd. House



- i. Lilian Waithira – widow
  - ii. Loise Gathoni Mburu – daughter
  - iii. Gladys Wairimu Mburu – daughter
  - iv. Phyllis Wangari Mburu – daughter
  - v. Francis Kauru Mburu – son
  - vi. Peter Kimani Mburu – son
  - vii. Nancy Wangari Mburu – daughter
- 3rd. House
- i. Dorcas Wanjiku Mburu – widow
  - ii. Gladys Wanjiku Mburu – daughter
  - iii. Loise Gathoni Mburu – daughter
  - iv. Francis Karanja Mburu – son
  - v. Peter Thati Mburu – son
  - vi. Samuel Macharia Mburu – son
  - d. The following are the known assets of the deceased;  
Schedule of immovable assets
  - i. Nyandarua/Muruaki/7124
  - ii. Nyandarua/Muruaki/1734
  - iii. Nyandarua/Muruaki/469
  - iv. Nyandarua/Muruaki/228
  - v. Nyandarua/Muruaki/109
  - vi. Nyandarua/Muruaki/6135
  - vii. Nyandarua/Muruaki/1109
  - viii. Nyandarua/Kahuru/1235
  - ix. Plot No. 35 Engineer Township
  - x. Plot No. 20 Engineer Township
  - xi. Plot No. 10 Engineer Township
  - xii. Nyandarua/Kahuru/1236
  - xiii. Nyandarua/Kahuru/1237
  - xiv. Nyandarua/Mumui/305, 307, 308
  - xv. Nyandarua/Kahuru/307



- xvi. Nyandarua/Muruaki/1735
- xvii. Naivasha/Naivasha Municipality/1144/528/18 (also known as Bismillahi building)
- xviii. Naivasha/Naivasha Municipality/524 (also known as Muruaki House)
- xix. Naivasha/Naivasha Municipality/1144/XXIV/182 (Kabati)
- xx. Naivasha/Naivasha Municipality/1144/XXIV/12-14 (also known as Multiline)
- xxi. Naivasha/Naivasha Municipality/1144/XXIV/2 (Kabati)
- xxii. Naivasha/Naivasha Municipality/1144/178 (Site and Service)

Schedule of movable assets

- i. Kenya Women Finance – Engineer Branch – Account No. 1003280291
- ii. Family Bank – Naivasha Branch – Account No. 0053000000001
- iii. Absa Bank – Naivasha Branch

Schedule of Liabilities

- i. Refund of funds expended by the Administratrix
- ii. Fees due to Lawrence M. Mbabu & Associates Advocates
- iii. Land rates and land rents due to Kenya Revenue Authority
- iv. Taxes due to Kenya Revenue Authority
- v. Any other liabilities that might be disclosed in the course of administration.
- d. The Administratrix prays that the deceased's net assets of the estate be shared equally amongst the beneficiaries of the estate.
- e. The provisions of Section 42 of the *Law of Succession Act* apply during the sharing of the net assets of the estate (previous benefits to be brought into account).
- f. That there is no pending application for provision of dependants.
- g. That six months have lapsed since when the Grant of Letters of Administration was issued.

- 23. However, an affidavit of protest against the confirmation of grant dated 15<sup>th</sup> day of July 2024 sworn by Charles Mwangi Mburu was filed where it was averred that sometime in 2023, the whole family had a meeting and agreed to have one firm of advocates Bob Okumu & Co. Advocates represent the family of the late Paul Mburu Karanja.
- 24. Further that at a special gathering of the family meeting in 2023, he was named as one of the overseers of the way that the petitioner and the proposed petitioners, widows of the deceased would undertake



- the whole succession process till the end. That they agreed to carry out valuation of the estate and thereafter consent on how to distribute the estate to all the beneficiaries.
25. That because the estate is comprised of 25 beneficiaries, they have been in the process of gathering everyone to agree on the mode of distribution. However, while awaiting the valuation report, they were notified by their advocate that the court ordered that they file summons for confirmation of grant by the 27<sup>th</sup> day of June 2024, and as they were racing against time to involve everyone to consent on the mode of distribution, and in the process of gathering everyone together, they were taken aback by the notification of the previous firm of Advocates, Lawrence M. Mbabu & Associates Advocates who had filed the summons for confirmation of grant, in the process replacing their duly family appointed firm of Bob Okumu & Co. Advocates.
  26. That being the case, after calling the petitioner herein, she stated that she lost touch with the firm of Lawrence M. Mbabu and Co. Advocates and that she never issued instruction to such a firm after changing counsels. That it is instructive that the issue of representation be determined before any other thing, because he believes there are suspicious people working in cohort with the petitioner to swindle the estate of the deceased, in the guise of appearing as the petitioner.
  27. Further being the one that the family appointed to oversee that the succession process takes place smoothly he urges this honourable court to give them more time to bring everyone on board to add more administrators to include the widows and then distribute the estate accordingly.
  28. That in the circumstances, the summons for confirmation of grant purportedly filed on behalf on the petitioner by the firm of Lawrence M. Mbabu and Associates Advocates be expunged from the record, as it is fraudulently placed in court, and the widows, Lilian Waithera Mburu and Dorcas Wanjiku Mburu be included as administratrix so that this succession cause may proceed expeditiously.
  29. Notably again, before the summons for confirmation of grant was dealt with, a notice of motion application dated 19<sup>th</sup> November, 2024 was filed seeking for the following orders: -
    - a. That the Honourable Court be pleased to set aside the grant of letters of administration issued and/or to be issued, pending a fair redistribution of the estate.
    - b. That the Honourable Court order that all rightful beneficiaries, including us (the protestors), Karanja Muigai, Wilson Mwangi, Rose Mary Nyambura Mburu, Dorcas Kemunto Makori, Josephine Waceke Kungu and Mary Wambui Mwangi being two sons, the 5<sup>th</sup> wife and three granddaughters respectively of the deceased, be included in the list of beneficiaries and be considered in the distribution of the estate.
    - c. That the Honourable Court direct the respondent(s) to furnish the court and all beneficiaries with a full and accurate inventory of the assets and liabilities of the estate.
    - d. That the costs of this application be provided for.
  12. The application is supported by the following grounds:
    - a. Lack of Disclosure: The petitioner failed to disclose all rightful beneficiaries, violating the [\*Law of Succession Act\*](#), Cap. 160.
    - b. Unfair Distribution: The proposed distribution of the estate does not recognize their legal rights as beneficiaries.
    - c. Failure to Obtain Consent: Their consent was not sought as required, and they were not notified of their right to be part of the proceedings.



30. However, the application was opposed by the 2<sup>nd</sup> respondent/petitioner vide grounds of opposition dated 2<sup>nd</sup> December 2024 on the following grounds that: -
- a. Rose Mary Nyambura Mburu the 3<sup>rd</sup> applicant who refers to herself as the 5th wife of the deceased is actually not a wife of the deceased at all. The issue of her status was settled by Court in Engineer SRMCC No. 75 of 2015 – Rose Mary Nyambura Mburu versus Lilian Waithera Mburu and Dorcus Wanjiru Mburu in which the Court declared that she was not a wife of the deceased after a lengthy trial that delayed the burial of the deceased for about a year. That aggrieved by the decision by the trial Court, she appealed vide case Rosemary Nyambura Mburu v Lilian Waithera Mburu & Dorcas Wanjiku Mburu (Civil Appeal 100 of 2015) [2016] KEHC 3978 (KLR). Further, the said applicant’s affidavit of protest sworn at Nakuru on 14<sup>th</sup> November, 2024 is full of falsehoods; contains material non-disclosure of previous litigation, is misleading and tries to raise issues that have already been adjudicated upon by Courts of Law. Consequently, by swearing the said Affidavit, the 3<sup>rd</sup> applicant has committed the offence of perjury and abused Court process.
  - b. Further that the issues raised in the said application by Rose Mary Nyambura Mburu are res judicata and therefore cannot be redetermined by this Honourable Court except by way of an Appeal. That they ought to be dismissed summarily, with no more.
  - c. That as it relates to Dorcas Kemunto Makori, Josephine Waceke Kungu and Mary Wambui Mwangi who have stated that they are granddaughters of the deceased, the provisions of the Law of Succession Act are clear that they can only be bequeathed the assets of the estate through their parents who ought to be proven and undisputed children of the deceased. That there is absolutely no evidence to the effect that the said applicants are children of the deceased’s children. They can only be imposters seeking a shortcut to material possessions.
  - d. That in so far as the 1<sup>st</sup> and 2<sup>nd</sup> applicants that is Karanja Muigai and Wilson Mwangi are concerned, there is absolutely no evidence that they are the children of the deceased and in the absence of clear scientific evidence that they are children of the deceased, they are not entitled in Law to any assets of the estate.
  - e. That the cause herein was filed in the year 2021, and that this application has been filed after long and inordinate delay; and after a Grant of Representation was issued by this Honourable Court. Therefore clearly, the Applicants intention is to delay the distribution of the deceased’s estate for their own benefit and for the benefit of the persons who are benefiting from the estate to the exclusion of some beneficiaries.
  - f. That in the absence of evidence to the contrary, the applicants appear to be mere imposters and rent-seekers who are out to defraud the real and genuine beneficiaries of their share of their father’s/ husband’s estate.
  - g. The application dated 19<sup>th</sup> November, 2024 is misconceived, frivolous, incompetent and vexatious, bad in law, incurably defective, an abuse of the court process, an afterthought, brought in bad faith and ought to be dismissed in limine.
31. Similarly, the 10<sup>th</sup> and 17<sup>th</sup> respondents filed grounds of opposition dated 30<sup>th</sup> November 2024, which are similar in substance to the afore grounds filed by the 2<sup>nd</sup> respondent/petitioner.
32. Pursuant to all the afore applications and the affidavits in response thereto, the following issues have arisen;



- a. Whether the petitioner has intermeddled with the assets of the estate in particular withdrawal of the funds from the listed bank accounts.
  - b. Whether the court should appoint an agent to manage the estate and/or collect rent/profits generated therefrom and deposit in a bank account.
  - c. Whether the petitioner and respondents named in the application dated 16<sup>th</sup> May 2023 should account for rental income collected.
  - d. Whether the grant of letters intestate should be revoked.
  - e. Whether the grant of letters of administration intestate issued herein should be confirmed.
  - f. Whether the persons listed at paragraph 2 of the notice of motion application dated 19<sup>th</sup> November, 2024 should be included in the list of beneficiaries
  - g. Whether the petitioner should be ordered to provide a full inventory of assets of the estate.
33. Based on the factual background detailed herein and the numerus applications filed, it is clear that the parties are not prepared to amicably resolve this matter and have developed a blame game.
34. However, to resolve the issues raised, I note that, as regards the issue of intermeddling with the assets of the estate, the same can only be dealt with by the petitioner providing the following information:
- a. A list of all assets of the estate;
  - b. Statement of accounts in respect of the respective bank accounts;
  - c. Statement of all rental or any other income received from the date of demise of the deceased up to the current date and an explanation of how it has been utilized.
35. As regards the appointment of the estate agent, it can only take place when the petitioner has filed a comprehensive statement of accounts as stated above.
36. Whether the grant should be revoked, the same could only have been be dealt with before the hearing of summons for confirmation of the grant. Be that as it may, whatever reasons have been advanced for revocation, they can be dealt with during the hearing of the summons for confirmation of grant.
37. Whether to confirm the grant or not, the same will have to wait the additional information sought for and the issues around the rightful beneficiaries of the estate, the identifiable and known assets of the estate have been agreed on and/or resolved before the mode of distribution is dealt with.
38. In that regard, the parties have to address the court on whether they want to proceed by viva voce evidence or by filing further documents in relation to the issues the court has raised.
39. Those then are the orders of the court.

**DATED, DELIVERED AND SIGNED ON THIS 23<sup>RD</sup> DAY OF SEPTEMBER 2025.**

**GRACE L NZIOKA**

**JUDGE**

In the presence of:

Mr. Mbabu for the Administrator

Mr. Waithaka for the applicants/objectors



N/A for the beneficiaries

Ms. Hannah: court assistant

