



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
SUCCESSION CAUSE NO. 877 OF 2007
IN THE MATTER OF THE ESTATE OF THE LATE JANE
WAMBUI GATONYE (DECEASED)

LUCY NYOKABI WAMBUI
PETITIONER/CONTEMNOR

VERSES

HELLEN WANGARE WAMBUI
OBJECTOR/APPLICANT

RULING

1. In her application dated **11th April 2023** the Applicant seeks the following orders:-
 - (a) **That an order of committal to prison be made against Lucy Nyokabi Wambui the Contemnor herein for such period as this court may deem fit and just in that the said Contemnor is in contempt of the order made by the court on 17th November 2022 inter alia stating that the Contemnor shall within sixty (60) days file and serve a detailed and accurate account regarding all rent received in respect of**

Dagoretti/Kangemi/T.378 from 16th May 2013 to date.

2. The application is based on the grounds thereof and the Applicant's sworn affidavit of even date.
3. The Applicant's contends that the court on 17th November 2022 directed the Contemnor to file accounts but to date she has failed and continues to disobey.
4. That this act of disobedience is an affront to the rule of law and consequently it ought to be punished. Further that as a result of her action the beneficiaries have not enjoyed the deceased estate.
5. The Contemnor filed her replying affidavit sworn on 27th January 2025 stating simply that the Applicant was no longer a party in this cause courtesy of Justice Musyoka's ruling of 16th May 2013 when he dismissed her objection. She should not therefore according to her benefit from such illegalities.
6. In her rejoinder through her supplementary affidavit sworn on 14th April 2025 the Applicant argued that she has consistently failed to provide accounts Judge Musyoka's ruling notwithstanding.
7. The court has perused the ruling by Muchelule J (as he then was) dated 17th November 2022 which stated in part that:

"... the Respondent shall within 60 days file and serve a detailed and accurate account regarding all rent received in respect of Dagoretti/Kangemi/T.378

from 16th May 2013 to date. The accounts shall be served on all beneficiaries who shall respond within 21 days. The matter shall be mentioned on 27th March 2023 or further orders.”

8. What followed thereafter were series of applications filed on some part by the Contemnor.
9. Did she comply with the above orders? No, instead the Contemnor resorted to various avenues to delay compliance with the order. This culminated into the ruling of Odero J of 17th May 2024 dismissing her application for review.
10. I do not find the argument that since the Applicant was no longer an Objector herein, she did not need to comply with the above ruling on accounts. The order was to all the beneficiaries and not the Applicant alone.
11. For the sake of this estate and I think the court interpreted it that way, the Applicant was bound to provide the accounts regardless of whether the Applicant was a party or not.
12. Apart from the Contemnor there are other beneficiaries to the estate who are her siblings and who must know how she has been managing the estate and in particular the question of accounts.
13. In the premises I do not agree with the Contemnor’s line of argument. I find that she has deliberately failed to comply with the orders despite her knowledge of the same.
14. **Consequently, I hold that:-**

- (a) The Contemnor is guilty of disobeying this court's orders that 17th November 2022.**
- (b) To purge her contempt the Contemnor within 21 days from the date herein should provide the said accounts from 16th May 2013 to date and in default she shall be arrested by the closest officer in charge of the police station (OCS) and brought to court for further sanctions.**
- (c) Costs in the cause.**

**Dated signed and delivered via video link at Nairobi
this 16th day of October 2025.**

**H K CHEMITEI
JUDGE**