



In re Estate of Richard Jotham Karugu Njue (Deceased) (Succession Cause E046 of 2025) [2025] KEHC 14098 (KLR) (9 October 2025) (Ruling)

Neutral citation: [2025] KEHC 14098 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
SUCCESSION CAUSE E046 OF 2025
DKN MAGARE, J
OCTOBER 9, 2025**

IN THE MATTER OF THE ESTATE OF RICHARD JOTHAM KARUGU NJUE (DECEASED)

IN THE MATTER OF

MARY GATHONI KARIUKI 1ST APPLICANT

ALVIN KARIUKI KARUGU 2ND APPLICANT

RULING

1. The applicant filed the petition seeking for letters of administration intestate. Together with the petition, they filed for letters of administration. Three beneficiaries were declared, that is, Alvin Kariuki Karugu, Mary Gathoni Kariuki and Sasha Muthoni Karugu. Martin Njue Karugu was declared. Out of the four, three signed a consent. Together with the petition, they filed a death certificate showing that the Respondent was in Karicheni-Kieni East.
2. Simultaneously, the two applicants also filed an application dated 22.08.2025. It sought for letters of administration ad colligenda bona vacandia limited to payment of rates in some properties, and payment of college fees for:
 - a. Karugu Alvin Kariuki - Strathmore University - 115,150/=
 - b. Karugu Sasha Muthoni - KCA University - Ksh.74,630/= per Trimester
 - c. Karugu Rodney Muchiri – Daystar University – 74,575/=
 - d. Martin Karugu Njue - Kenya College of Interior Design - 48,500/=
3. There were also prayers to collect rent and for general upkeep. However, there was no chief's letter, which raised my antenna to possible red flags. However, the request for a letter from the chief was to the assistant chief Mihuti, Mûkûrwe'inî sub-county. No chief's letter was attached. I directed that the chief's letter should come from where Karicheni- Kieni East is situate amidst the protest from the applicant that the letter should come from Mûkûrwe'inî sub-county. The chief where, Karicheni-



Kieni East is located duly attended court and was interrogated by all parties. He undertook to hear all of the objectors and give them a chief's letter.

4. Together with the attendance, there was an objection dated 16.09.2025 filed by Marie Angela Waceke Kiarie who stated that she was a first widow while the applicant was a second widow. She also stated that there was a third widow namely Ann Gladys Kagure Njogu. The last one was said to have been residing with the deceased at the time of his demise. Ann has children of her two children who are minors while the Applicant had three adult issues with the deceased. Two are in college while one other is awaiting to join university. She is the mother of the 2nd applicant.
5. There were lengthy arguments, most of which were on the objection, which is yet to be determined. This therefore requires the court to deal with the application at hand with circumspection. The power of this court is set out under Section 54 of the Law of Succession Act as follows:

A court may, according to the circumstances of each case, limit any grant of representation which it has jurisdiction to make, in any of the forms described in the Fifth Schedule to this Act. Notice of any objection to an application for a grant of representation shall be lodged with the court, in such form as may be prescribed.
6. On the other hand, objections are governed under Section 68 of the Law of Succession Act, which provides as follows:
 - (1) The period specified by such notice as aforesaid, or such longer period as the court may allow.
 - (2) Where notice of objection has been lodged under subsection (1), the court shall give notice to the objector to file an answer to the application and a cross-application within a specified period.
7. Procedure after notice and objections is set out extensively in section 70 of the Succession Act. The court will thus after this ruling issue directions related to notices and gazettelement. The said section provides as follows:
 - (1) Where a notice of objection has been lodged under subsection (1) of section 68, but no answer or no cross-application has been filed as required under subsection (2) of that section, a grant may be made in accordance with the original application.
 - (2) Where an answer and a cross-application have been filed under subsection (2) of section 68, the court shall proceed to determine the dispute.
8. What is not in dispute is that the applicant, Mary Gathoni Kariuki has issues, some of whom are in various colleges. The issues are:
 - a. children in college, that is: Martin Njue Karugu;
 - b. Alvin Kariuki Karugu; and
 - c. Rodney Muchiri Karugu.
9. There are three ladies fighting for the control of the 1 billion shillings estate. The objectors recognize the 1st applicant while the first applicant does not. However, she recognizes a daughter of the objector.
10. The claim to widowhood is based on some affidavit, which is not part of the proceedings. There appears that none of the ladies have any document so far, to enable one gain more status over the other. Children are largely not in dispute. However, neither Marie Angela Waceke Kiarie nor Ann Gladys Kagure Njogu prayed for any orders for the court to consider except the applicant.



11. It is not lost on the court, that the presence of the objector in the cosmos is not strange to the applicant having noted that Sasha, the objector's daughter is acknowledged by all sides.
12. In order to do justice to the parties, all the widows will have to prove themselves at the hearing of the objection. The court cannot, in absence of evidence decide whether the deceased had three wives or no wife at all. The three will have to remain in limbo until the court decides. This is to avoid any one of them overreaching.
13. The question of school fees and college fees remain a matter that may not wait. Unfortunately, the two other women have not made any specific requests. Indeed, even the purported land sale balances have not been shown to exist.
14. The court recalls that it is dealing with the delicate issue of school/college fees. The question whether other children also require school fees is not before the court. When it is brought, it shall be dealt with as such.
15. Matter has not been taken for gazettment and it may be necessary that it is done so that objections can be filed with the entire gamut of beneficiaries to be notified. It does not appear that the objectors are the only persons interested in the estate.
16. While adults do what they must, children cannot be left to suffer. Therefore, I decline to deal with the question of rent as there must have been a status quo obtaining as at the time of death. The issue will only be dealt with when an application to conserve the estate is made. It cannot be handled with *ad colligenda bona vacandia*.
17. The limited grant of administration *ad colligenda bona vacandia* are meant to enable the temporary administrators to collect and preserve the estate of a deceased if it is at risk. The best placed persons to do so are the children of the deceased pending issuance of letters to the persons interested.
18. Payment of rates is not an emergency and there is no evidence that the sky will fall if rates are not paid. College fees ought to be paid. However, the first applicant, having concealed the presence of other persons who may be beneficiary interest, and in the light of the objection, cannot be appointed for now. The court will pick three children as administrators for limited purposes below. When the other applications are made, the court will then deal with the matter. Upon directions related to gazettment, this court will deal with the question of who the beneficiaries should be.
19. Only the question of school fees will be dealt with. Further, given the nature of the matter and to avoid the order being misused, the court will pick only one bank account, that is, Equity Bank Plc Account Number 01XXXXXXXX over the rest. Meanwhile there shall be no other dealings in other accounts until this succession matter is concluded.
20. For avoidance of doubt, the court declines to appoint the first applicant as an administrator for purposes of the grant of limited letters. Except as herein after stated, all the other prayers are declined. The court issues letters of administration *ad colligenda bona vacandia* to Alvin Kariuki Karugu ID number xxxxx7043, Sasha Muthoni Karugu ID number xxxxx6434 and Rodney Muchiri Karugu ID number xxxxx3389 limited only to collecting a sum of Ksh. 462,115/= from Equity Bank Plc account number 01XXXXXXXX in order to pay school fees for:
 - a. Karugu Alvin Kariuki - Strathmore University – Kshs. 115,150/=
 - b. Karugu Sasha Muthoni - Kca University - Ksh. 223,890/=
 - c. Karugu Rodney Muchiri – Daystar University – Kshs. 74,575/=



- d. Martin Karugu Njue - Kenya College of Interior Design – Kshs. 48,500/=
- Total - Ksh. 462,115/=

Determination

21. In a nutshell, the application is partly allowed as follows:

- a. The court issues letters of administration ad colligenda bona vacandia to Alvin Kariuki Karugu ID number xxxxx7043, Sasha Muthoni Karugu ID number xxxxx6434 and Rodney Muchiri Karugu ID number xxxxx3389 limited only to collecting a sum of Ksh. 462,115/= from Equity Bank Plc account number 0170190596700 in order to pay school fees for:
- i. Karugu Alvin Kariuki-Strathmore University -115,150/=
- ii. Karugu Sasha Muthoni- Kca University - Ksh.223,890/=
- iii. Karugu Rodney Muchiri – Daystar University – 74,575/=
- iv. Martin Karugu Njue- Kenya College of Interior Design -48,500/=
- Total - Ksh. 462,115/=
- b. The other children shall be at liberty to make applications for administration ad colligenda bona vacandia in relation to their fees.
- c. For avoidance of doubt all other prayers stand dismissed. The grant shall not be re-used after the withdrawal for collect fees of Ksh. 462,115/=. The grant is valid for two months only.
- d. The file is returned to the registry for gazettelement. A date shall be given after gazettelement.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 9TH DAY OF OCTOBER, 2025.
RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

KIZITO MAGARE

JUDGE

In the presence of: -

Ms. Musau for the Applicants

Mr. Njenga for the Objectors

Court Assistant – Michael

M. D. KIZITO, J.

