



REPUBLIC OF KENYA



In re Estate of Mwenda Patrick Mutiga (Deceased) (Succession Cause E018 of 2023) [2025] KEHC 14002 (KLR) (2 October 2025) (Ruling)

Neutral citation: [2025] KEHC 14002 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
SUCCESSION CAUSE E018 OF 2023
SM GITHINJI, J
OCTOBER 2, 2025**

IN THE MATTER OF THE ESTATE OF MWENDA PATRICK MUTIGA (DECEASED)

BETWEEN

CAROLYN KANANU MUGAMBI PETITIONER

AND

TETRESIA NKOYA 1ST RESPONDENT

FAITH MWENDWA 2ND RESPONDENT

NAOMI SYOKAU 3RD RESPONDENT

RULING

1. For determination is the Chamber Summons dated 16/9/2024 under section 45 of the [Law of Succession Act](#) seeking that:
 1. Spent
 2. This Honourable court be pleased to order that the rent proceeds from building on L.R. Nairobi Block 185/2 County Government of Nairobi be deposited every month in court to form part of the deceased estate.
 3. The petitioner be restrained from intermeddling with the estate of the deceased.
 4. The order be served to all the tenants of building in Plot No. Nairobi Block 185/2 for compliance.
2. The application is premised on the grounds on the face of it and supported by an affidavit sworn by Tetresia Nkoya, the applicant herein, on even date. She averred that the deceased herein, her son, died intestate, leaving many movable and immovable properties, including Plot No. Nairobi Block 185/2, which has several storey rental buildings. The petitioner has been collecting and wasting the rental



income of Ksh. 150,000 from the said property, to the detriment of the 2nd and 3rd respondents herein, the other wives of the deceased herein. The rent proceeds from the said property form part of the deceased's estate and should therefore be preserved for the benefit of all beneficiaries.

3. The petitioner herein swore a replying affidavit on 30/9/2024 in opposition to the application. She averred that the property in question belonged to her and not the deceased herein, and she leased it during the lifetime of the deceased. She has been promptly paying taxes, electricity, water, and land rates in respect of the property, even when the deceased was alive, and the applicant and the respondents were strangers to her. She appropriated the rent income to educate her minor children, and the application was made maliciously to deny her, her property and punish her children.
4. The application was canvassed by way of written submissions, which were duly filed.

Determination

5. Having considered the application and the response, and the submissions on record, the issue for determination is whether the application is merited.
6. The record shows that Plot No. Nairobi Block 185/2 is a leasehold property registered in the name of Umoja III Central Company Limited. The applicant has failed to establish the nexus between the said company and the deceased herein, to justify the issuance of the sought orders. Put differently, I find that there is no basis upon which the orders sought can properly issue.
7. The upshot from the foregoing is that the application dated 16/9/2024 is in want of merit, and it is hereby dismissed. Cost be in the cause

DATED AND DELIVERED AT MERU THIS 2ND OCTOBER, 2025

S.M. GITHINJI

JUDGE

Apperances:-

Mr. Kaume holding brief for Mr. Anampiu for 1st Respondent.

Mr. Kimathi for the Petitioner (absent).

