



REPUBLIC OF KENYA



KENYA LAW
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**In re Estate of Marupia Ngombo (Deceased) (Succession Cause
70 of 2014) [2025] KEHC 15581 (KLR) (31 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15581 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
SUCCESSION CAUSE 70 OF 2014
G MUTAI, J
OCTOBER 31, 2025**

BETWEEN

KANZE KAZUNGU KARISA APPLICANT

AND

NYALE MARUPIA NGOMBO 1ST RESPONDENT

JESSICA NGOMBO MARUPIA 2ND RESPONDENT

RULING

1. The application before me is dated 25th April 2023. It seeks six orders, three of which are now spent. The pending prayers are as follows: -
 - “ 4. That the County Surveyor, Kilifi to complete the re-surveying of Plot Kilifi / Mtwapa 170 and the resultant plots to comply with the orders of 30/6/2021;
 5. That the Officer Commanding Police Station to provide the County Surveyor executing his/her duties and Kanze Kazungu Karisa, Nyevu Kenga and Tabu Kenga while fencing their plots; and
 6. That due to the arrogance of both Jessica Ngombo Marupia And Nyale Marupia Ngombo, The cost of these entire proceedings be paid by them.”
2. The application was supported by the affidavit of Ms Kanze Kazungu Karisa, sworn on 25th April 2023, in which she accused the Respondents of frustrating the devolution of the estate.
3. Despite the fact that service was effected on the Respondents, the application was not opposed.
4. I have considered the application dated 25th April 2024. The applicants seek to resurvey plot No 170 and the resultant plots to comply with the court orders of 30th June 2021, for the security to be provided



by the officer commanding the police station so that the county surveyor can carry out his work without let or hindrance, and for costs to be paid by Jessica Ngombo Marupia and Nyale Marupia Ngombo.

5. I agree with the submissions of Mr Mutugi that this court can issue the orders sought, as what they propose to do is to enforce the court's previous order. I am guided by the decision of the court in the case of *In re Estate of Kimeto Arap Cheroigin alias Kimeto Cheroigin (Deceased)* [2025] KEHC 3872 (KLR), where the court stated that:-

“On the issue as to whether to grant orders to the OCS-Roret Police Station, to provide adequate security to District Surveyor Kericho County during the undertaking of the demarcation and sub-division of land parcel Kericho/Roret/461 this court is vested with protective powers by virtue of section 47 of the *Law of Succession Act* which vests court with wide discretion in granting protective powers for purposes of safeguarding the estate of a deceased person. It provides: “The High Court shall have jurisdiction to entertain any application and determine any dispute under this Act and to pronounce such decrees and make such orders therein as may be expedient.” and Rule 73 of the Probate and Administration Rules provides that: - “Nothing in these Rules shall limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.””

6. The application is merited. The same is hereby allowed as prayed.
7. This court has dealt with this matter for over 2 years. The respondents do not respect the court's authority. In the circumstances, I award the applicant the costs of the application.
8. Orders accordingly.

DATED AND SIGNED IN MOMBASA, THIS 31ST DAY OF OCTOBER 2025. DELIVERED VIRTUALLY THROUGH MICROSOFT TEAMS.

GREGORY MUTAI

JUDGE

In the presence of: -

No appearance for the Applicant;

No appearance for the Respondents; and

Arthur - Court Assistant.

