



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**SUCCESSION CAUSE NO. 1450 OF 1991**  
**IN THE MATTER THE ESTATE OF PATRICK LEMEIRUKO OLE**  
**MARAMGURA (DECEASED)**

**HARON KAYIONI WUANTAI ..... 1<sup>ST</sup>**  
**APPLICANT**

**ESTHER NDIA LEMERANGURA ..... 2<sup>ND</sup>**  
**APPLICANT**

**RESIATO LELERUK ..... 3<sup>RD</sup>**  
**APPLICANT**

**PETER PUSHATI MEIKASI ..... 4<sup>TH</sup>**  
**APPLICANT**

**ESTHER NDIA KINAIYA ..... 5<sup>TH</sup>**  
**APPLICANT**

**JOHN PARSALOI ..... 6<sup>TH</sup>**  
**APPLICANT**

**VERSUS**

**PRISCILLA NASERIAN MARANGURA..... 1<sup>ST</sup>**  
**RESPONDENT/**

STRATOR

ISAAC

MANDE

LEMEIRUKO

.....

RESPONDENT/ADMINISTRATOR

### RULING

1. This ruling relates to the application dated **22<sup>nd</sup> May, 2025**, filed by the Applicants, Haron Kayioni Wauntai, Esther Ndia Lemerangura, Resiato Leleruk, Peter Pushati Meikasi, Esther Ndia Kinaiya and John Parsaloi, seeking for **ORDERS THAT:**
  1. **Spent.**
  2. **This court's orders made on 6<sup>th</sup> November, 2024 and 6<sup>th</sup> May, 2025 be reviewed and the time allowed for appointing an Administrator to represent the deceased's 1<sup>st</sup> House (Family) be extended.**
  3. **Haron Kayioni Wauntai be appointed as the 3<sup>rd</sup> Administrator to represent the deceased's 1<sup>st</sup> House (Family) and the grant issued on 6<sup>th</sup> May, 2025 be amended accordingly.**
  4. **Such further order (s) be made as this honourable court shall deem just and expedient.**
  5. **Costs of this application be provided for.**
2. The application is based on the grounds on its face thereof and supported by affidavit and supplementary affidavit sworn by Haron Kayioni Wuantai on **22<sup>nd</sup> May, 2025**.

3. He avers *inter alia* that he is a grandson of the deceased, being the son of the deceased's eldest daughter, Esther Ndia Lemerangura. The grant of letters of administration intestate of the deceased's estate, which had previously been issued to Samuel Kelo Lemeiruko on **10<sup>th</sup> March, 1992**, was revoked by a judgment of this Honourable Court delivered on **4<sup>th</sup> October, 2024**.
4. In the said judgment of **4<sup>th</sup> October, 2024**, the court directed that fresh letters of administration be issued to three (**3**) representatives, one from each of the deceased's three houses. Pursuant to that directive, the 1<sup>st</sup> house, to which he belongs, initially nominated Samuel Kelo Lemeiruko as its representative. However, the other houses did not agree to his reappointment as administrator.
5. Consequently, on **6<sup>th</sup> November, 2024**, the court appointed Priscilla Naserian Marangura and Isaac Mande Lemeiruko as administrators representing the 2<sup>nd</sup> and 3<sup>rd</sup> houses respectively, and further directed that the 1<sup>st</sup> house should nominate its representative within fourteen (**14**) days. Due to the necessary consultations among members of the 1<sup>st</sup> house before agreeing on their nominee, there was a delay in naming their representative. However, the 1<sup>st</sup> house has now unanimously nominated him for appointment as the third administrator of the deceased's estate.
6. On **6<sup>th</sup> May, 2025**, the court made a further order issuing the grant to the representatives of the 2<sup>nd</sup> and 3<sup>rd</sup> houses, in the

absence of their then advocate, Mr. Cliff Rachuonyo, who experienced technical challenges joining the court's virtual proceedings, and by the time he successfully joined, the file had already been dealt with and the order for appointment of the two administrators had been issued. He now humbly prays that, in the interest of justice, the court appoint him as the representative of the 1<sup>st</sup> house, to serve jointly with the representatives of the 2<sup>nd</sup> and 3<sup>rd</sup> houses, in accordance with the judgment delivered on **4<sup>th</sup> October, 2024**.

7. The application is opposed vide replying affidavits sworn by Priscilla Naserian Marankura, Isaac Mande Lemeiruko and Elizabeth Ndeati Lemeiruko on **1<sup>st</sup> July, 2025, 14<sup>th</sup> July, 2025** and **30<sup>th</sup> July, 2025** respectively.
8. Priscilla avers inter alia that the proposed additional administrator is not qualified for appointment and he is fully aware of this fact. During the hearing, she intends to demonstrate to the court that the proposed administrator, Haron Kayioni Wuantai, is not a son of the first wife; and therefore, lacks the requisite qualification to be appointed as an administrator in this matter - particularly since all the children of the first wife had already received their inheritance during the deceased's lifetime. The allegations contained in the affidavit sworn by Haron Kayioni Wuantai on **22<sup>nd</sup> May, 2025**, in support of the summons seeking his appointment as an additional administrator, are without merit and ought to be disregarded.

9. Isaac avers inter alia that he is the second administrator of the deceased's estate and he adopts and reiterates the contents of the replying affidavit sworn by Priscilla on **1<sup>st</sup> July, 2025**. He confirms that the nomination of Samuel Kelo Lemeiruko as an administrator was objected to on the grounds that he does not belong to the first household and further that the court had already nullified his previous appointment as an administrator of the deceased's estate.
10. The judgment delivered on **4<sup>th</sup> October, 2024** directed that the names of three administrators, one from each of the deceased's three houses, be submitted to the court, which clearly implied that the intended administrators were to be among the surviving children of the deceased. The proposed administrator, being a grandson of the deceased, is disqualified from such appointment since his mother, Esther Ndiya Marangura, is still alive and had already received her family's inheritance in Land Title No. **NGONG/NGONG/123**, commonly referred to as the Matasia property.
11. Elizabeth avers inter alia that she is a beneficiary of the deceased's estate. She contends that the application is fatally defective as it contravenes the mandatory provisions of the law and should therefore be struck out in its entirety.
12. She further asserts that the Applicant has approached the court with unclean hands, thereby disentitling himself to the equitable reliefs sought. She denies the contents of paragraph **7** of the supporting affidavit and puts the

deponent to strict proof thereof. From her own knowledge, she states that the purported appointment of the Applicant is not in compliance with the court's previous orders. She believes that the application has been brought merely to delay the final determination and conclusion of this matter.

13. The Applicants have filed written submissions dated **18<sup>th</sup> July, 2025** and **11<sup>th</sup> September, 2025** placing reliance on the following:

- a. **In re Estate of Nemwel Nyasagare Nyanaro [2023] eKLR** where it was held as follows: "**1. Under section 66 of the Law of Succession Act (cap 160), the court shall have the final discretion as to whom a grant of letters of administration shall, in th best interests of all concerned, be made. It also makes sense that where the deceased was polygamous, and the court had appointed an administrator the court will replace him with a representative from the house in question (In re Twaruchiu Marete (Deceased) [2019] eKLR). The best interests of the house in question shall be served if the members of that house will be the ones to pick a replacement to take the place of their deceased administrator... 5. The respondent indicated that he was willing to work with any person picked to represent the 1<sup>st</sup> house. I have stated in the foregoing that it is in the best interest of the**

***members of the 1<sup>st</sup> house that the house be involved in the administration of the estate, and they be representation by a person the members are comfortable with.”***

14. The 1<sup>st</sup> Respondent/ Administrator has filed written submissions dated **10<sup>th</sup> September, 2025**.

### **ANALYSIS AND DETERMINATION**

15. I have read the application before this court, the responses thereto and the rival submissions as well as the cited authorities.
16. This matter has seen enough years in court. The judgement of this court of 4<sup>th</sup> October 2024 was explicit, namely, that each of the three households were to provide a representative as an administrator.
17. The second and the third house provided theirs. The 1<sup>st</sup> house after the rejection of the Samuel Kelo Lemeiruko by the Respondents have brought in the applicant who claims to be the deceased grandson.
18. I see no plausible reason why the other two houses are opposed to him being a joint administrator with the other two. In any case he is not their choice.
19. More importantly the substantive issue here is to bring this estate to closure by having the grant confirmed. If at all the Respondents have their reservations on whether the

Applicant is not a family member or beneficiary then they ought to raise it at the level of confirmation of the grant.

20. For now, and so as to speed this matter, I shall allow the Applicant who in any case has been nominated by the 1<sup>st</sup> house as their representative to come on board as a joint administrator with the other two from the 2<sup>nd</sup> and third house.
21. In the event that the Applicant is unable to cooperate with the other two the court is seized of all the authority to deal with such. None of the Administrators shall attempt to derail the administration of the estate without attracting the courts sanctions.
22. They should immediately proceed to have the grant confirmed and not later than 45 days from the date herein. This will allay any fears of delay by all the beneficiaries.
23. **In the premises the application is allowed as hereunder;**
  - (a) **The applicant Haron Kayioni Wuntai is hereby appointed as a joint administrator of the estate herein together with Priscilla Naserian Marangura and Isaac Mande Lemeiruko.**
  - (b) **The Joint Administrators as a matter of priority should apply to have the joint grant confirmed within 45 days from the date herein.**
  - (c) **Costs in the cause.**

**Dated signed and delivered via video link at Nairobi  
this  
30<sup>th</sup> day of October 2025.**

**H K CHEMITEI  
JUDGE**