



**Kingori (Suing as the Legal Representative of the Estate of Teresa Watuhi) v Kingori (Environment and Land Case E008 of 2025) [2025] KEELC 7710 (KLR) (4 November 2025) (Ruling)**

Neutral citation: [2025] KEELC 7710 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NYAHURURU  
ENVIRONMENT AND LAND CASE E008 OF 2025  
LN MBUGUA, J  
NOVEMBER 4, 2025**

**BETWEEN**

**MICHELINA KINGORI ..... PLAINTIFF  
SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF TERESA  
WATUHI**

**AND**

**MARGARET WAGAKI KINGORI ..... DEFENDANT**

**RULING**

1. Before me is the Plaintiff's Notice of Motion application dated 25.6.2025 seeking orders of injunction restraining the Defendant from dealing with the suit parcel Maralal Municipality Block 1/104 (Commercial). The application is premised on grounds that the Plaintiff is the lawful administrator of the estate of Teresa Watuhi Wangari who was the owner of the suit plot. She avers that her sister, the Defendant took over the main house with acquiescence of the family members. However, recently the Defendant has begun exerting exclusive ownership of the premises and demanding the sum of Kshs.700,000/- for alleged renovations thereof. She has also brought building materials to undertake more un authorized renovations. Thus, Defendant' actions amount to intermeddling with the estate of the deceased.
2. The Defendant has opposed the application vide her replying affidavit dated 1.10.2025. She avers that their mother died on 5.10.2007 leaving behind 10 children, of which, she continued residing on the suit premises even after the death of their mother. She avers that the grant issued to the Plaintiff expired, adding that the Plaintiff has abused her powers as an administrator. She avers that she upgraded the house with the full knowledge of all the beneficiaries.
3. I have considered all the rival arguments. To grant or not to grant the injunctive orders sought by the Plaintiff is the issue falling for determination. Being an application for injunctive orders the same shall



be weighed against the requisite essentials set out in the celebrated case of *Giella v Cassman Brown* (1973) EA 358.

4. The attention of the court has been drawn to the averments of the applicant set out at paragraph 4 of her supporting affidavit where she avers that upon the demise of their mother, the Defendant took over the premises in question. Their mother died in year 2007 quite a while back. At this stage of the trial, the court cannot delve into the circumstances under which the Defendant came to occupy the suit land. Further, the court cannot determine disputed issues relating to the distribution and management of the suit premises at the interlocutory stage. It suffices to note that the Defendant is the one who has been in occupation of the suit land for a long time.
5. In the case of *Cyanamid Co. v Ethicon Ltd* (1975) 1 ALL ER 504; (1975) A.C 396 HL cited in *Tritex Industries Limited & 3 others v National Housing Corporations & another* [2014] eKLR, it was held that;

“It is no part of the court’s function at this stage of the litigation to try to resolve conflicts of evidence on affidavit as to facts on which the claims of either party may ultimately depend, nor to decide difficult questions of law which call for detailed argument and mature considerations. These are matters to be dealt with at the trial”.

6. The court notes that the two litigants are close relatives, sisters. The court had found it expedient to have their dispute resolved through the Court Annexed Mediation, but this far, there seems to be no positive results. The court does not wish to interfere with the interests of the parties before the trial. In that regard, I find that the appropriate orders to give are as follows.
  1. The suit land shall not be sold.
  2. No more major construction shall be undertaken on the suit premises.
  3. Each party is to bear their own costs of the application.

**DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 4<sup>TH</sup> DAY OF NOVEMBER 2025 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA.**

**JUDGE**

In the presence of;

Waichungo for Defendant

Vanessa – Court Assistant

