



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAKURU

SUCCESSION CAUSE NO.14 OF 2019

IN THE MATTER OF THE ESTATE OF NJUGI WANG'ONDU

MARIGA (DECEASED)

**MARY WANJIKU MARIGA-----1ST
ADMINISTRATIX/RESPONDENT**

-VERSUS-

**IBRAHIM THOMAS MARIGA-----
APPLICANT**

RULING

1. One **Ibrahim Thomas Mariga** claims to be a beneficiary of the Estate brings Summons dated 11th June, 2025 for orders as hereunder;

1. Spent.

2. Spent

3. Spent

- 4. That pending the hearing and determination of Nakuru COACA E197/2024 Citation: Ann Wangeci Mariga and Ibrahim Thomas Mariga AND 1 Others VS Mary Wanjiku Mariga AND Margaret Wanjiru Mariga, the 1st Administrator/intermeddler by herself, her agents, proxies, servants, employees, children and/or relatives be restrained by way of temporary injunction from harvesting trees or dealing in any other manner with land parcel TRANSMARA/POROKO/54 which belongs to the estate of NJUGI WANG'ONDU MARIGA (DECEASED). (sic)**
- 5. THAT this Honourable Court be pleased to commit the 1st Administrator/intermeddler to prison for a period not exceeding one year or pay a fine not exceeding Kshs.10,000 (Kenya Shillings Ten Thousand only) each or both such fine and imprisonment for intermeddling with the property of a deceased person namely NJUGI WANG'ONDU MARIGA (DECEASED). (sic)**
- 6. Spent.**
- 7. THAT 1st Administrator/intermeddler be removed as administrator of the estate of**

NJUGI WANG'ONDU MARIGA (DECEASED).
(sic)

- 8. THAT the costs of this Application be borne by the 1st administrator/intermeddler.**
- 9. Any other orders that are deemed just and expedient that will met the ends of justice including punishment of the Respondent.**
- 10. Costs of this Application be paid for by the said Respondent.**

2. The Applicant swore an affidavit in support of the Application. He *inter alia* complains that the 1st administratix (**Mary Wanjiku Mariga**) is intermeddling with the deceased's Estate by harvesting several trees for her own benefit. He wants her to be restrained and further ordered to account for the trees as well as suffer punishment for her actions.
3. Return of Service of the Application purportedly filed on 20th June, 2025 has been filed but the Respondent have not entered a reply. It is therefore deemed that the Application is uncontested.
4. It is noted that by consent of the parties proceedings herein were stayed on 30th October, 2024 pending an Appeal before the Court of Appeal. Notwithstanding, the Court can

entertain this Application particularly since the Court of Appeal itself does not seem to have stayed this matter.

5. The Application is allowed as hereunder:

- a) An Order of Injunction issues restraining the Administratixes and/or their agents and/or any other persons whatsoever from in any manner interfering with the Estate of the deceased pending the Court of Appeal's decision and/or conclusion of this Cause.**
- b) The Administratixes are ordered to account for their management of the Estate by filing a report within a period to be fixed hereafter.**
- c) Owing to the fact that this is a family matter, no order is made as to the costs of the Application.**

6. Committal of the 1st Administratix to civil jail as prayed is declined given that her disobedience of any Court Order has not been shown. The Court also finds no sufficient cause to remove her as an Administratix.

7. The matter is fixed for mention on 2nd March, 2026 for the Administratixes to file and serve the required report as per Order (b) above.

8. Ruling accordingly.

**Ruling Signed, Dated, and Delivered at Nakuru
This 12th day of November, 2025.**

**J. M. NANG'EA
JUDGE.**

In the presence of:

Mr. Gakinya Advocate for Applicant.

Mr. Matoke H. Advocate for Nyagaka Advocate for Respondent

Court Assistant - Jeniffer

**J. M. NANG'EA
JUDGE.**