



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**SUCCESSION CAUSE NO.36 OF 2003**

**IN THE MATTER OF THE ESTATE OF THE LATE MWANGI KAMAU**

**(DECEASED)**

**MUKOMA MWANGI.....APPLICANT**

**-VERSUS-**

**GEOFFREY KIPYEGON MOI.....RESPONDENT**

**RULING**

1. What comes to the fore are sale transactions of assets of the deceased person by any person including a personal representative where the grant is yet to be confirmed.
2. In this instance it is apparent that the purported sale was done by **Peter Kamau Mwangi** before the Confirmation of Grant on the 3<sup>rd</sup> July, 2015.
3. On the Respondents part he argues this Court lacks jurisdiction to consider the issue as the same is on breach of Agreement.
4. The Respondent is a stranger in the estate of the deceased and unapologetically argues that the sale was sanctioned by all beneficiaries and that he paid Kshs.200,000/=.

5. As I have held elsewhere a personal representative can only sell an asset constituting the estate of the deceased with either a confirmed grant or a Court Order.
6. It was illegal to purport to sell the parcel of land known as **Olenguruone/Amalo/032**.
7. I overrule the Respondent and allow the summons dated 15<sup>th</sup> September, 2024.
8. The property **Olenguruone/Amalo** shall be distributed to the beneficiaries of the deceased.
9. The Applicant is directed to file a mode of distribution with consents within 60 days.
10. Any aggrieved party may file appeal within 45 days which period shall act as period of stay.
11. Parties shall bear their own costs.

**Signed Dated and Delivered at Nakuru**  
**this 7<sup>th</sup> day of November, 2025.**

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**Mohochi S.M.**  
**JUDGE**