



REPUBLIC OF KENYA



**In re Estate of the Late Julius Kairu Kamau (Deceased) (Succession Cause 2295 of 2015) [2025] KEHC 16196 (KLR) (Family) (6 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16196 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY**

**SUCCESSION CAUSE 2295 OF 2015**

**HK CHEMITEI, J**

**NOVEMBER 6, 2025**

**IN RE ESTATE OF THE LATE JULIUS KAIRU KAMAU (DECEASED)  
(SUCCESSION CAUSE 2295 OF 2015) [2025] KEHC 16196**

**BETWEEN**

**ESTHER NDUTA KAIRU ..... APPLICANT**

**AND**

**VERONICA WANJUGU KIHARA ..... RESPONDENT**

**RULING**

1. In her application dated 25<sup>th</sup> January 2024 the Applicant seeks that:-
  - (a) The grant of letters of administration granted to Esther Nduta Kairu on 30<sup>th</sup> January 2012 and rectified on 25<sup>th</sup> April 2022 be confirmed.
2. The application is based on the grounds thereof and her sworn affidavit dated the same date.
3. In her affidavit she deponed that the deceased died intestate leaving behind the following:-
  - (a) First house
    - (i) Veronica Wanjugu Kihara..... wife.
    - (ii) Moses Maina Kairu.....son.
    - (iii) Beth Wangari Kairu.....daughter (deceased)
  - (b) Second house.
    - (i) Esther Nduta Kairu mother to;



- (ii) Mary Wanjiru Kairu.....daughter
- (iii) Josiah Kamau Kairu.....daughter
- (iv) Dennis Ndirangu Kairu..... son(minor)

4. The deceased left the following assets.

- (a) LOC 2 Kanderendu 617
- (b) LOC 2 Kanderendu 1147
- (C) LOC 2 Kanderendu 1161
- (D) LOC 2 Kimandi Wanyaga 598
- (e) Motor vehicle KDZ 770 (lorry)
- (f) Funds at KCB account number 1102075264

5. She therefore proposed that the same be distributed so that Veronica's house gets land parcel number LOC 2 Kanderendu 617 and 1147 as well as the KCB account as stated above.

6. The second house gets LOC 2 Kanderendu 1161, LOC 1 Kimandi WANYAGA 598 and motor vehicle KDZ 770.

7. The Respondent opposed the application vide her replying affidavit dated 11<sup>th</sup> March 2025 on the grounds among others that parcels numbers Loc 2 Kanderendu 1147 and 1161 had already been sold to one Daniel Gitau Kimani prior to the grant being revoked.

8. The court directed the parties to file written submissions which they have complied and the court has perused the same.

9. My understanding of the rival affidavits as well as the submissions defer only on the two sold properties namely LOC 2 Kanderendu 117 and 1161.

10. The Respondent submits that she sold the same based on the grant which this court had confirmed in her favour and therefore it was just and expedient that it remains so.

11. The Applicant on the other hand argues otherwise. That since the grant had been set aside the same goes without say that the properties must revert to the deceased estate.

12. Justice Achode (as she then was) on 27<sup>th</sup> May 2020 held that;

“(a) The subsequent confirmation on 27<sup>th</sup> May 2013 in Nairobi Succession Cause No. 1889 of 2011 is hereby annulled.

(b) The distribution of the estate shall be done to include the deceased children who were left out of the distribution during confirmation.”

13. My understanding therefore is that the court was alive to the sale by the Respondent of the two assets to the said Daniel Gitau Kimani as captured under paragraph 3 of the ruling.

14. If the court wanted to reverse the same it would have said so in no uncertain terms. The court directed that the estate be distributed to the deceased beneficiaries and not purchasers who included the above Mr. Kimani.



15. In any case the grant which was used by the Respondent to dispose off the properties was nullified which effectively meant that all that result from it were declared null and void.
16. In the premises the two properties remained the deceased free properties which must be distributed among his heirs and or beneficiaries.
17. The Applicant has provided in her submissions a mode of distribution in which she was to get parcel number 1161 and 1147 goes to Veronica and by extension Daniel Gitau Kimani.
18. I find the above proposal reasonable as the Respondent will have to sort out with the purchaser who in turn must retransfer the other parcel to the estate and thereafter to the Applicant.
19. At the same time looking at the sizes of the parcels there is not much meaningful differences and in sharing out in the manner proposed there shall be some equity though not necessarily equal.
20. In any case there was no appeal against the ruling of this court of 27<sup>th</sup> May 2020 and it therefore stands.
21. In the premises I direct that the estate be distributed to the two houses as hereunder:-
  - (a) Land parcel number LOC 1 Kimandi Wanyaga 598, LOC 2 Kanderendu 1161, measuring 0.61ha and 0.55 ha, respectively and motor vehicle registration number KDZ 770 (lorry) to Esther Nduta Kairu who shall hold it in trust for Mary Nduta Kairu, Josiah Kamau Kairu and Dennis Ndirangu Kairu.
  - (b) Land parcel number LOC 2 Kanderendu 617 measuring 0.80 HA, LOC 2 Kanderundu 1147 measuring 0.45 respectively and KCB Account Number 1102075264 to the house of Veronica Wanjugu Kihara.
  - (c) Daniel Gitau Kimani shall transfer with immediate effect and surrender title number LOC 2 Kanderendu 1161 to the estate and thereafter be transmitted to Esther Nduta Kairu appropriately.
  - (e) Each party shall bear its own costs.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS**

**6<sup>TH</sup> DAY OF NOVEMBER 2025.**

**H K CHEMITEI**

**JUDGE**

