



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

In re Estate of Edward Nganga Kabue (Deceased) (Probate & Administration E542 of 2025) [2025] KEHC 17488 (KLR) (Civ) (28 November 2025) (Ruling)

Neutral citation: [2025] KEHC 17488 (KLR)

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

CIVIL

PROBATE & ADMINISTRATION E542 OF 2025

H NAMISI, J

NOVEMBER 28, 2025

N THE MATTER OF THE ESTATE OF EDWARD NGANGA KABUE

IN THE MATTER OF

NANCY WAIRIMU APPLICANT

RULING

1. Before me is Notice of Motion dated 9 September 2025 seeking the following orders:
 - i. Spent
 - ii. That this Honourable Court be pleased to vary, clarify and/or supplement its orders issued on 18th July 2025 directing that all estate monies be deposited into an estate account, so as to regularize the payment of Kshs. 4,944,090/= already made by Rubis Kenya Ltd into the Petitioner's personal account Kenya Commercial Bank Ltd, Mama Ngina Branch, Account No. 1342499492 in the name of Nancy Wairimu Waiganjo;
 - iii. That this Honourable Court be pleased to order that the said sum of Kshs. 4,944,090/= be deemed as validly received on behalf of the estate and that the same be applied as refund to the Petitioner, being reimbursement of personal funds, she expended to settle the hospital bills of the deceased's widow, Beatrice Wanjiku Nganga;
 - iv. That in the alternative, this Honourable Court be pleased to order Kenya Commercial Bank Ltd to forthwith transfer the said sum of Kshs. 4,944,090/= from the Petitioner's personal account to the estate account, and thereafter grant leave to the Petitioner to withdraw the equivalent sum from the estate account as reimbursement.
 - v. That costs of this application be in the cause.



2. The Application which is supported by an Affidavit sworn by the Applicant comes hot on the heels of a Petition for Letters of Administration ad colligenda bona, which was allowed vide Ruling delivered on 18 July 2025. In that Ruling, this Court directed as follows:
- i. Grant of Letter of Administration ad colligenda bona to issue to the Petitioner, Nancy Wairimu, for purposes of calling in, collecting and preserving the estate of the Deceased pending issuance of a full Grant;
 - ii. The Petitioner shall open a bank account in respect of the estate in which all monies collected on behalf of the estate shall be deposited;
 - iii. A sum of Kshs 4,000,000/= only shall be paid from the said account directly to the Nairobi Hospital in settlement of the bill in respect of Beatrice Wanjiku Nganga;
 - iv. The Petitioner shall provide statements of the account within 60 days of the date hereof;
 - v. Petition for Grant of Letters of Administration shall be filed within 60 days from the date hereof;
3. In the present Application, the Applicant avers that the estate was due to received some monies from Rubis Kenya Ltd. At the time of issuing the Grant ad colligenda bona, Rubis Kenya Ltd was ready and anxious to settle the outstanding rent arrears owed to the estate. Since the opening of the estate account took too long, the Applicant was forced to submit details of her personal account so that the money could be deposited therein.
4. The Applicant avers that she expended her personal resources in order to settle the hospital bills in respect of their mother, Beatrice Wanjiku Nganga, who was the reason why the Grant ad colligenda bona was issued. For that reason, the Applicant would like the monies paid by Rubis Kenya Ltd to be treated as a reimbursement to her.
5. Attached to the Application are consents by the Applicants' siblings, who are beneficiaries of the estate, and payment receipt from Nairobi Hospital confirming payment of Kshs 5,015,647/=.
6. In the circumstances, I allow the Application. The Applicant is however directed to comply with the remaining orders given on 18 July 2025, including filing of the Petition for Grant of Letters of Administration.
7. Costs will be borne by the estate.

DATED AND DELIVERED AT NAIROBI THIS 28 DAY OF NOVEMBER 2025

HELENE R. NAMISI

JUDGE OF THE HIGH COURT

Delivered on virtual platform in the presence of:

Petitioner:

Court Assistant: Lucy Mwangi

