



REPUBLIC OF KENYA



**In re Estate of George Mbugua Ngare (Deceased) (Succession Cause 855 of 1995)  
[2025] KEHC 17427 (KLR) (Family) (28 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17427 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
SUCCESSION CAUSE 855 OF 1995  
PM NYAUNDI, J  
NOVEMBER 28, 2025  
IN THE MATTER OF THE ESTATE OF GMN (DECEASED)**

**RULING**

1. GMN died testate on 3<sup>rd</sup> August 1994. Representation was granted to his sons JM and SNM on 17<sup>th</sup> December 1999. The grant was confirmed on 28<sup>th</sup> July 2000. The grant was rectified on 1<sup>st</sup> October 2018 and further rectified on 4<sup>th</sup> March 2024.
2. SNM one of the administrators filed an application dated 18<sup>th</sup> July 2024 seeking the following orders;
  1. That the application dated 17<sup>th</sup> February 2023 be marked as compromised in terms of the Mediation Agreement signed on 14/4/2024 in MLM/MED/148/2024 (Arising out of ELCOS No. E009/2023).
  2. That each party to bear its own advocates costs.
  3. The application was premised upon Section 1A, 1B and 3A of the *Civil Procedure Act* and Order 25 rule 5 of the Civil Procedure Rules and was supported by the Affidavit of even date sworn by the applicant, SNM.
  4. On 29<sup>th</sup> July 2025, Mr. Irungu who was holding brief for the 2<sup>nd</sup> petitioner indicated to the court that they were opposed to the application. They sought three days to put in a reply. The court gave orders that a response be filed within 3 days and that the applicant do file submissions within 14 days of service of the response. Leave was granted to the applicant to file a further affidavit if necessary within 7 days of service.
  5. As at the time of writing this ruling, there was no response or written submissions by either parties.



### **Applicant's Case.**

6. In his supporting affidavit, the applicant avers that his siblings, VNM, GNM, MMM, DKM, HNM and JMM filed an application dated 17<sup>th</sup> February 2023 seeking an injunction restraining him from dealing with L.R Nos. Dagoretti/Riruta/XXXX,XXXX,XXXX and XXXX. JMM filed a suit against him being ELCOS E009 of 2023- JMM vs SNM seeking to be the registered owner of L.R Nos. Dagoretti/Riruta/XXXX,XXXX,XXXX and XXXX. The matter was referred to mediation where all the siblings were present. The parties agreed that L.R Nos. Dagoretti/Riruta/XXXX,XXXX,XXXX belong to him. He was to transfer LR No. Dagoretti/XXXX to JMM. He avers that the mediation agreement compromised the application dated 17<sup>th</sup> February 2023 which is pending before this court. That the application dated 17<sup>th</sup> February 2023 should be marked as settled to enable him to enjoy his right to the properties. He urged the court to allow his application.

### **Analysis And Determination.**

7. The only issue for determination is whether the application is merited.
8. I have looked at the application dated 17<sup>th</sup> February 2023. The application sought the following orders;
- a. This application be certified as urgent and service of the same be dispensed with in the first instance.
  - b. The respondent SNM Alias Sammy George Ngari, his agents and/or servants and/or employees be restrained from interfering with the tenants in: LR. NO. Dagoretti/Riruta/XXXX, XXXX, XXXX and XXXX, including demanding payment of monthly rent accruing to the rental premises in the properties pending hearing and final determination of this application.
  - c. An order for valuation of the Current Commercial Market value of the investment of rental properties on LR. NO. Dagoretti/Riruta/XXXX, XXXX, XXXX and XXXX for equal distribution between the applicants and the respondent.
  - d. The costs of this application be provided for.
9. I have also seen the mediation agreement which is dated 14<sup>th</sup> March 2024. Paragraph 1 states that, the land in dispute LR.NO. 776 Dagoretti/riruta belongs to SNM, the defendant. Paragraph 2 states that the respondent to cede ownership and sign all necessary transfer instruments for LR. Dagoretti/Riruta/XXXX in favour of the plaintiff upon completion of succession of the succession of the estate of their late mother, Susan Mbugua.
10. In my view, this means that any dispute relating to L.R No. 776 Dagoretti/Riruta which was subdivided into LR. NO. Dagoretti/Riruta/XXXX, XXXX, XXXX and XXXX has been heard and determined. The application has not been opposed and no contradicting evidence has been presented before this court and therefore, hearing and determining the application dated 17<sup>th</sup> February 2023 has been overtaken by events.
11. The application dated 18<sup>th</sup> July 2024 is allowed with no orders as to costs.

**SIGNED DATED AND DELIVERED IN VIRTUAL COURT THIS 28<sup>TH</sup> DAY OF NOVEMBER, 2025.**

**P. M. NYAUNDI**

**JUDGE**



In the presence of:

Fardosa Court Assistant

Ms. Irungu holding brief for Ngata Kamau for 2nd Petitioner

Njogu holding brief for Karanja for Applicant

