



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Estate of Jane Wanjiku Waruingi (Deceased) (Succession Cause  
3 of 2021) [2025] KEHC 18264 (KLR) (Family) (1 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18264 (KLR)

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

**FAMILY**

**SUCCESSION CAUSE 3 OF 2021**

**CJ KENDAGOR, J**

**DECEMBER 1, 2025**

**ESTATE OF JANE WANJIKU WARUINGI**

**(DECEASED)**

**BETWEEN**

**ELIZABETH WAITHERA WARUINGI ..... 1<sup>ST</sup> APPLICANT**

**DORCAS WANJIRU WARUINGI ..... 2<sup>ND</sup> APPLICANT**

**ROSE WAMBUI WARUINGI ..... 3<sup>RD</sup> APPLICANT**

**AND**

**DAVID NJOROGE WARIUINGI ..... 1<sup>ST</sup> RESPONDENT**

**ANNE WANJIKU WARUINGI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The deceased, Jane Wanjiku Waruingi died intestate, and a Grant of Letters of Administration intestate was made to Anne Wanjiku Waruingi and David Njoroge Waruingi.
2. The deceased had five children who are the beneficiaries of her estate. Besides the administrators named above, there are Dorcas Wanjiru Waruingi, Rose Wambui Waruingi and Elizabeth Waithera Waruingi.
3. The three daughters have presently moved the Court via an application dated 10<sup>th</sup> March, 2025 citing the administrators as Respondents. The application seeks orders compelling the administrators to furnish accounts of the estate's assets, release the titles and share certificates for the estate's assets, and sign the transmission documents; in default, the Deputy Registrar of the Court shall sign.
4. The main ground advanced by the Applicants is that four years after the confirmation of the grant, the administrators have failed to complete the administration of the estate by distributing the Applicants'



- shares despite requests and demands to do so. They accused the administrators of withholding information and wanting to benefit from the estate to their exclusion.
5. The administrators, on the other hand, accused the beneficiaries of frustrating the process and stated that the process requires money which is not readily available, thereby hindering the transmissions.
  6. I have reviewed the concerns raised by the Applicants regarding estate administration and the feedback from the administrators. While the administrators confirm they are carrying out the mandate, the status of the distribution of each asset remains unclear.
  7. Section 83 of the *Law of Succession Act* outlines the duties of personal representatives. A key duty is to produce a full inventory and account of the estate's dealings to the court within six months of the confirmation of the Grant and when called upon by the Court.
  8. Administrators are required to gather the estate, pay all debts and administration expenses from the estate.
  9. The beneficiaries are also entitled to get the accounts as well as updates on the progress of distribution and ultimate transmission as per the Certificate of Confirmation of Grant.
  10. The replying affidavit filed by the administrators indicates ongoing efforts to transmit the assets.
  11. After reviewing the application, affidavits from the parties, and submissions by their Counsel, I conclude that further directions are necessary to expedite the distribution process. This will help the Court evaluate whether the administrators are fulfilling their roles or if additional directions are required to accelerate the process or ensure accountability.
  12. The application is allowed in the following terms;
    1. The administrators shall file and serve a comprehensive update on the status of the distribution of the estate's assets within 60 days from the date of this order.
    2. The update shall include:
      - a. Detailed particulars of the progress made towards transmission of each asset, specifying actions taken and any outstanding tasks.
      - b. An itemized budget for the money required for the transmissions, including estimated costs and expenses, supported by documentary evidence where applicable;
      - c. Funding proposals on how the costs will be funded from the estate of the deceased, including whether prior court approval is required for specific expenditures and how funds will be expended;
      - d. Estimated timeline for completion of the distribution process
  13. The parties are at liberty to apply for further directions should there be any issues with compliance or other matters requiring Court intervention.
  14. Each party is to bear own costs of the application.

**DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 1<sup>ST</sup> DAY OF DECEMBER, 2025.**

.....

**C. KENDAGOR**



## **JUDGE**

In the presence of:

Court Assistant: Beryl

Mr. Juma, Advocate for the Applicants

Ms. Kinyanjui, Advocate for the Respondents

