



REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE No 370 OF 2007

IN THE MATTER OF THE ESTATE OF AGNES WANGARE OGADA
(DECEASED)

**PAUL OGANGA OGADA (suing as an
administrator of the estate of the late
AGNESS WANGARI OGADA)APPLICANT**

Versus

VICTORIA WANGUI OGADA.....RESPONDENT

AND

**THE LAND REGISTRAR NAKURU.....INTERESTED
PARTY**

RULING

1. The Application before the Court is summons filed Under Rules 49 and 73 of Probate and Administration Rules seeking the following reliefs;
 - a. SPENT.
 - b. That the respondent be stripped off the powers of an administrator AND an order of injunction be issued against the respondent from engaging and/or accessing the properties in one way or the other permanently. That, the sale, disposal,

transfer, subdivision, registration, occupation of properties Nakuru/ Njorob Ngata Block 2 (Kirobon A) and Nakuru Municipality Block/114 and Njoro Ngata Block 43, 35 to 4368 be revoked.]

- c. That, upon prayer 2 above, the applicant be granted permission through the lands registrar Nakuru to restore the subject Title Deed back to the estate of the deceased.
- d. That, a temporary injunction do issue against the respondent and her agents from interfering with subject property and the lands registrar, pending the hearing and determination of this application.
- e. That, the lands registrar be ordered to surrender the subject Title deeds and any other subdivisions emanating there from to the court.
- f. That the respondent be stripped off the powers of an administrator AND an order of injunction be issued against the respondent from engaging and/or accessing the properties in one way or the other permanently.
- g. That all Act of sale, disposal, and leases have been done without the consent of the applicant who acquired the properties single-handedly to the exclusion of the respondent and to which the
- h. That execution do issue against all illegal occupants in the original Title Block Nakuru/Njoro Ngata/ Block 2 Kirobon A and of parcel Number 856 measuring 2.431 Ha. And all subdivisions of plot No. 112 ranging from plot No. 4335 to 4368 as of 15th January 2015 and in the illegal subdivisions

created between 25th of March 2014 and 15th January 2015 and any other subdivisions.

- i. That the OCS Menengai police station do provide security for the eviction of the Respondents from parcel of land no. Nakuru/Njoro Ngata/ Block 2 Kirobon A and of parcel Number 856 measuring 2.431 Ha. And all subdivisions of plot No. 112 ranging from plot No. 4335 to 4368 and put the administrators of the estate of Agnes Wangare into possession of the suit land.
 - j. That the Honourable court be pleased to grant orders for the preservation of the estate of the late Agnes WanguiOgada as may be appropriate to meet the ends of justice.
 - k. That the cost of destruction, loss of usage be awarded.
 - l. That the Respondent and her agents be declared intermeddles in the Estate of the Late Agness Wangare Ogada on the property known as Nakuru/Njoro Ngata/ Block 2 Kirobon A and of parcel Number 856 measuring 2.431 Ha. All subdivisions of plot No. 112 range from plot No. 4335 to 4368 as of 15th January 2015.
 - m. That all the Title deeds related to the subdivision's sale be remitted to this honourable court for further direction.
 - n. That Victoria Wangui Ogada and her agents be cited for the offense of intermeddling with the estate of the deceased and be penalized accordingly by way of compensatory fines.
2. The Applicant has grounded his Application on the following grounds;

- a. That, the deceased, AGNES WANGARI OGADA died in the year 2012 and a grant of letters of administration intestate leaving behind two beneficiaries namely, PAUL OGANGA OGADA the husband and VICTORIA WANGUI OGADA (the respondent herein) both surviving her. The grant of letters of administration were issued to VICTORIA WANGUI OGADA who has since pilfered the estate, wasted, and even sold-out vast parts of the estate without the knowledge and approval of the applicant.
- b. That, the respondent is incapable of executing her mandate as the administrator going by the wastage of and illegal disposal of the estate, more specifically, the applicant has caused to be sold, the Nakuru/ Njorob Ngata Block 2 (Kirobon A) and Nakuru Municipality Block/114 and equally created illegal subdivision Njoro Ngata Block 43, 35 to 4368 over the property of the applicant.
- c. That, the applicant is the original and undisputed owner of the subject properties having purchased them with his own money to the exclusion of Victoria Wangui Ogada, who is his daughter.
- d. That, the applicant merely allowed the name of the deceased to be jointly entered in the Title as a spouse but he reserved the absolute ownership of the property having purchased the property alone.
- e. That, the respondent, despite being the biological daughter of the Applicant and the Deceased, colluded with land fraudsters to alter the green card with regards to all that property being

known as Nakuru/ Njoro Ngata/ Block2 Kirobon A, and of parcel Number 856 measuring 2.431 Ha between 25th March 2014 and 15th January 2015, and subdivided the said parcels into 33 plots without the consent and approval of the applicant.

- f. That, the said subdivided parcels were later disposed off to third parties, who are about to occupy and develop the illegally subdivided properties.
 - g. That, these sales and subdivisions were illegal as they were done without the consent of the Applicant who is not only the co- administrator of the estate, but also a joint owner, and the person who purchased the property
 - h. That, there is a need to preserve the estate in its original form owing to the Applicant's investments in support of his late wife Agnes Wangare Oganga Ogada who was a mere trustee of the properties.
 - i. That, the ACTS of sale and disposal of the estate are in breach of the law of succession Act, Matrimonial Properties Act, Married Women Properties Act, repealed Land Registration Act and article 40 of the Constitution of Kenya.
 - j. That, Victoria Wangui Ogada be removed as the administrator of the estate of Agnes Wangare Ogada.
 - k. That, as beneficiary and administrator, he seeks the permission of this court to collect, preserve and distribute where necessary.
3. That, the respondent is in illegal possession and occupation of the property belonging to the estate of the Late Agnes Wangari Ogada

known as Nakuru/Njoro Ngata/ Block 2 Kirobon A and of parcel Number 856 measuring 2.431 Ha making it difficult and impossible to manage and distribute the estate to the beneficiaries as required by the law.

4. That, the above-named AGNES WANGARI OGADA died In the year 2012 and a grant of letters of administration intestate leaving behind two beneficiaries namely; PAUL OGANGA OGADA the husband and VICTORIA WANGUI OGADA both surviving her. The grant of letters of administration were issued to both the Applicant and the respondent as joint administrators.
5. That, he was the registered owner of property title number Nakuru/ Njoro/Ngata Block 2/856 together with his late wife Agnes Wangui Oganga.
6. That, he confirms that he merely allowed the name of AGNES WANGARI OGADA deceased to be jointly entered in the Title as a spouse but reserved the absolute ownership of the property, as he is the one who purchased said property.
7. That, upon the demise of his wife, he and his daughter, Victoria (the Respondent herein) were named estate administrators. However, the said Victoria Wangui Ogada in collusion with land fraudsters altered the green card between 25th of March 2014 and 15th January 2015 when the register was closed for subdivision of parcel Nakuru/Njoro Ngata/ Block 2 Kirobon A and of parcel Number 856

measuring 2.431 Ha into 33 plots without the consent and approval of the applicant.

8. That, these sales and subdivisions as illegal as they have caused the estate numerous losses hence the need for recovery.
9. That, 3rd parties are about to occupy and develop the parts illegally subdivided and sold.
10. That, there is a need to preserve the estate in its original form owing to his investments in support of his late wife Agnes Wangui Oganga Ogada who was a mere trustee of his properties.
11. That, the ACTS of sale and disposal of the estate are in breach of the law of succession Act, Matrimonial Properties Act, Married Women Properties Act, repealed Land Registration Act and article 40 of the Constitution of Kenya.
12. That, Victoria Wangui Ogada be removed as the administrator of the estate of Agnes Wangare Ogada.
13. That, as a beneficiary and administrator, he seeks the permission of this out to collect, preserve and distribution where necessary.
14. This Court had directed that service be effected upon the Respondent and the interested parties and that the Application was to be heard by way of filed written submissions.

15. The Applicant has failed to demonstrate service of this Application upon the Respondent and has equally failed to comply with the court's direction.
16. The Applicant is a co-Administrator obliged to account to the court following the confirmation of grant on 27th September 2018.
17. Owing to the foregoing the court finds the instant Application dated 1⁸th September 2025 to be without merit and that the Applicant is hereby ordered to file an account within 60days from the date hereof.
18. The Application dated 18th September 2025 is accordingly dismissed with no orders as to costs.

It is so Ordered.

Signed, Delivered Virtually on Teams platform

On this 16th December 2025

Mohochi S.M

JUDGE