



In re Estate of Samuel Mburu Ngirau - Deceased (Probate & Administration E015 of 2025) [2026] KEHC 823 (KLR) (Family) (3 February 2026) (Ruling)

Neutral citation: [2026] KEHC 823 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYANDARUA**

FAMILY

PROBATE & ADMINISTRATION E015 OF 2025

KW KIARIE, J

FEBRUARY 3, 2026

IN THE MATTER OF THE ESTATE OF SAMUEL MBURU NGIRAU-DECEASED

BETWEEN

ELIZABETH WANGARI MBURU APPLICANT

AND

PETER KAREITHI MBURU 1ST RESPONDENT

JULIA MUTHONI MBURU 2ND RESPONDENT

**BRANCH MANAGER NYAHURURU KENYA COMMERCIAL BANK
LIMITED 3RD RESPONDENT**

RULING

1. Elizabeth Wangari Mburu, the applicant herein, moved the court by way of Summons dated 27th October, 2025, under section 76 of the [Law of Succession Act](#) and under Rules 49 & 73 of the Probate and Administration Rules. She is seeking the following orders:
 - a. That this honourable court be pleased to certify this application as urgent. [Spent]
 - b. That the service of the same be dispensed with owing to the urgency of the matter. [spent]
 - c. That Peter Kariithi be summoned to court to show cause why he should not be committed to civil jail for disobeying orders made herein on 20th December, 2024.
 - d. That this honourable court be pleased to revoke the appointment of Peter Kariithi, the 1st respondent, as an administrator.



- e. This honourable court be pleased to order the respondents to henceforth deposit in court the rent received from the estate's undermentioned properties and the same be distributed among the heirs in accordance with the confirmed grant;
 - i. Nyahururu Municipality Block 6/ 301, also known as Plot No 217
 - ii. Nyandarua/ Kiriita Mairo Inya Block II /1714
 - f. That as an alternative to 4 and 5 above, this Honourable Court be pleased to appoint Kinyua Koech Limited, the estate agent of the estate's properties, to collect and distribute the estate's rent amongst the beneficiaries as per the confirmed grant of 13th October, 2024.
 - g. That, as an alternative to 4 and 5 above, this Honourable Court be pleased to order that the rent from the estate be deposited in an interest-bearing account opened in the names of the parties' advocates.
 - h. That this Honourable Court be pleased to order the Nyandarua County Land Registrar to issue to the Applicant and 2nd respondent provisional certificates of title in respect of the undermentioned properties;
 - i. Nyandarua/Olkalou Central/228
 - ii. Nyandarua/Kiriita/ Mairo inya Block 11 (Ngaindeithia) 2257
 - iii. Nyandarua/Kiriita/ Mairo inya Block 2/1714
 - iv. Nyahururu Municipality Block (vi)/301 also known as Plot No. 217
 - v. Laikipia/Daiga Umande Block 2/2785
 - vi. Suwerwa Settlement Scheme/403
 - i. The 3rd respondent do deposit in court the deceased's title and other documents held by it as of the time of death in 2005.
 - j. The costs of this application be provided for.
2. The application was premised on the following grounds:
- a. The grant herein was confirmed on 13th October, 2022, three years ago, and despite that fact, the beneficiaries have not received their inheritances because the respondents have declined to release title documents to facilitate the sale and distribution of proceeds of some of the properties and to facilitate subdivision of the properties which are capable of being subdivided;
 - b. The respondents have, since the deceased died 20 years ago, on 20th February 2005, it is only the respondents who have been receiving and converting to their use all the rent collected from the estate properties;
 - c. The effect of the distribution of the estate is that each beneficiary is entitled to his or her share of the rent received, but this has not been happening over the last five years;
 - d. The respondents have stalled the process by not releasing estate documents, which are needed for selling properties and subdividing others among the heirs in accordance with the certificate of confirmation.



- e. On 20th December, 2024, this Honourable Court ordered the two respondents to render accounts in respect of the rent received by them since the deceased died and to release to the estate its documents, but this has not happened;
 - f. On 25th August, 2025, the Kenya Commercial Bank Limited confirmed that there were estate documents held by it, but the 2nd respondent has not cooperated with the applicant to secure a release of the estate documents to the estate.
 - g. This Honourable Court has jurisdiction to protect the assets of the deceased.
 - h. Through a letter dated 25th August 2025, the 3rd respondent admitted that he is holding the deceased's documents, which are contained in a safe custody box.
 - i. By virtue of Section 79 of the [Law of Succession Act](#), the said documents belong to the estate whose representatives are the applicant and the respondent, and they need them in connection with the administration of the estate.
 - j. This honourable court has jurisdiction to revoke the appointment of any administrator or executor where he or she has misconducted himself or herself;
 - k. That because the respondents are benefitting from the income from the estate, they are not keen to have the estate distributed.
3. The 2nd respondent opposed the application and filed the following grounds:
- a. She has no objection to prayers 3, 4, 5, 7, 8 & 9 of the application, as the same will facilitate the smooth distribution of the estate, which the conduct of the 1st and 3rd respondents herein has hampered.
 - b. She is however opposed to the appointment of Kinyua Koech Limited to collect and distribute the estates' rental income amongst the beneficiaries as she and her co-beneficiaries of the second house were never consulted before the said proposal was put forth in the instant application, the fees payable to the said agents is unknown to us and no proper basis has been laid for such appointment which will adversely affect our beneficial share out of the estate and complicate the administration thereof.
 - c. That she has all along cooperated with the applicant regarding the administration of the estate, including rendering an account of the money collected on behalf of the estate in respect of Title No. Nyandarua/Kiriita Mairo Inya Block II (Ngaindethia)/1714 from the year 2021, when she was allowed to participate in the management thereof, and any rent collected before then ought to be accounted for by Peter Kariithi Mburu, who had been managing the said property.
 - d. That there is no specific allegation made against the 2nd respondent in the instant application to warrant adverse orders being made that would affect my right to administer her late husband's estate unless the applicant wishes to take over the administration role solely through the back door.
4. Section 76 of the [Law of Succession Act](#) provides for instances when a grant can be revoked by the court suo moto or on application. The applicant is one of the administrators, but she has not shown to this court's satisfaction what has hampered the distribution of the estate. She appears to blame the other administrators, except herself.
5. The grant was confirmed on the 13th October, 2022. It is unacceptable for the administrators to take this long to distribute the estate.



6. The proposal to appoint an estate manager will not hasten the process but will further delay the distribution. This prayer is dismissed.
7. To conclude the distribution without hitches, The Kenya Commercial Bank Ltd, Nyahururu branch, is ordered to release all the documents of the deceased that they are holding by their letter dated 25th August 2025, to the administrators within 7 days of this ruling.
8. On December 20, 2024, this court issued an order against Peter Kareithi Mburu. It is alleged that he has failed to comply with this order. He must appear before the court on February 10 to show cause why he should not be held in contempt.
9. The administrators are required to distribute the estate in the terms of the confirmed grant within 60 days of this ruling. If they fail to do so, the grant will be automatically revoked.
10. Since this is a family matter, each party will bear its own costs.

DELIVERED AND SIGNED AT NYANDARUA, THIS 3RD DAY OF FEBRUARY 2026

KIARIE WAWERU KIARIE

JUDGE

