



REPUBLIC OF KENYA



**In re AWW (Subject) (Miscellaneous Application 34 of 2021)
[2026] KEHC 1850 (KLR) (Family) (13 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 1850 (KLR)

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

MISCELLANEOUS APPLICATION 34 OF 2021

CJ KENDAGOR, J

FEBRUARY 13, 2026

IN THE MATTER OF

MWW 1ST APPLICANT
GWW 2ND APPLICANT
ITW 3RD APPLICANT

RULING

1. The Applicants are the siblings of Dr AWW. Dr AWW was taken seriously ill, requiring medical attention in Kenya and overseas, and on 23rd February, 2012, the Court appointed the three as Managers of her estate.
2. On 27th October, 2014, the Court permitted the Managers to dispose of certain immovable assets belonging to the subject. The order was granted upon an application dated 3rd June, 2014. There was a review allowed on 16th September, 2019 that allowed the rectification of the reference to one property.
3. The Managers were also directed to file periodic accounts, which they have filed and are on record.
4. The Managers have presently filed an application dated 13th August, 2025 in which they are seeking leave to sell the following properties;
 - i. Nyeri/Municipality 8/xx (half share)
 - ii. Mavoko Town Block 2/xxxxx
5. The application is supported by a supporting affidavit dated 13th August, 2025 by MWW and a Further Affidavit dated 2nd December, 2025 by GWW and ITW.



6. The Managers have expressed concern that the property is lying dormant, creating a potential risk of trespassers encroaching on the premises. They argue that, due to the lack of utilization, these properties are not generating any income, which is crucial for the welfare and upkeep of the estate.
7. I have examined the property titles, which confirm that the assets in question belong to the subject. The Managers report that the current idle state of these properties poses significant security risks, as unoccupied properties can attract vandalism or squatting. Additionally, that this inactivity prevents the generation of potential rental income or business opportunities that could benefit the subject.
8. Based on the reports, the Managers' indication that they are unable to leverage these assets effectively and the desire to invest in high-income-generating investments, this Court allows the sale of the properties Nyeri/Municipality 8/xx (half share only) and Mavoko Town Block 2/xxxxx. I note that the property Nyeri/Municipality 8/xx is co-owned with the 1st Manager; any conflict of interest should be brought to the Court's attention by the Managers before the sale is conducted.
9. The Managers shall, within 30 days of the sale;
 - a. transmit a copy of the sale agreement;
 - b. file a report on the sale proceeds;
 - c. confirm the deposit of the proceeds into the designated account for the benefit of the subject;
 - d. Provide a breakdown of how the funds will be applied; and
 - e. File a latest medical examination report with an update on the status of the Subject's medical condition.
10. No further assets may be sold without prior approval by the Court.
11. Costs of this application shall be paid out of the subject's estate.
12. The matter to be mentioned within 180 days to confirm compliance.
13. It is so ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 13TH DAY OF FEBRUARY, 2026.

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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl

Ms. Gichuki, Advocate holding brief for Ms Migwi Advocate for the Guardian/Managers

