



**In re Estate of Wanuthu (Deceased) (Succession Cause 184 of 2016)
[2026] KEHC 2175 (KLR) (24 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2175 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
SUCCESSION CAUSE 184 OF 2016
SM MOHOCHI, J
FEBRUARY 24, 2026
IN THE MATTER OF THE ESTATE OF JOHN KIRUKI WANUTHU
(DECEASED)**

BETWEEN

VERONICA WANGUI WAMBUGU PETITIONER

AND

BETH WANJIRU MAINA PROTESTOR

RULING

1. Before me is a summons for review of the ruling dated 20th February 2025 to include 50% share of Laikipia/Lariak/452 and Laikipia/Lariak/469 as forming part of the estate of the deceased.
2. I have considered the pleading's, representation by Akango Advocate as well as Njeri Njagua Advocate and perused the record and I am thus persuaded to find an error in finding that Laikipia/Lariak/452 and Laikipia/Lariak/469 had been sold and do not form part of the estate of the deceased.
3. I have equally noted an Error of the ABSA Bank account captured as 00346_7615 instead of 0034647615. The same is accordingly rectified.
4. On the contrary this court finds ample evidence that, the property commonly referred to as Laikipia/Lariak/452 is registered in the deceased name having been jointly acquired by the Petitioner and the deceased. 50% share constituting the estate of the deceased shall be available for distribution, to be held in trust for all the beneficiaries.
5. With regard to the property commonly referred to as Laikipia/Lariak/469, in my ruling dated 20th February 2025, the court pointed out that the property had not been included in the original petition as forming part of the estate. And in the entire record, no proof of ownership has been provided, save



for a copy of a sale agreement dated 19th April 2011, in the name of the deceased and the Petitioner as joint purchasers.

6. It is trite law that a property can only be distributed by a Succession Court if it forms part of the deceased's estate.
7. Courts have reiterated that mere listing of assets in pleadings is insufficient. Property of a deceased person will only vest on personal representatives only if it lawfully belonged to the deceased
8. This position is fortified by the holding In Re Estate of Job Ndunda Muthike (Deceased) [2018] KEHC (KLR) where the Court stressed that it is the Court's duty to confirm property ownership to prevent including third-party assets.
9. Similarly, the Jesse N. Njagi J In the Matter of the Estate of Guje Guyo (Deceased) [2021] eKLR stated;

“(38) What it means in the whole of this process is that the property to be distributed by a succession court has to be identifiable and clearly defined. Where the property involved is land, it has to be identified by a land reference number. Otherwise where the land is not registered as in this case, a succession court would be engaging in an exercise in futility in dealing with such land as the process of transmission cannot be completed at the lands office. Courts of law do not act in vain. In my considered view, unregistered land cannot be construed to mean “free property” of a deceased person. Distribution of such land does not fall within the mandate of a succession court. in Re Estate of G.K.K (Deceased) [2017] eKLR, the Court held that “mere listing of assets without documentary proof does not suffice to bring them into the estate.”
10. This Court thus finds partial merit in the summons for review dated 19th August 2025 and allows the same by including the property Laikipia/Lariak/452 as constituting the estate of the deceased.
11. The Petitioner may consider properly moving the court with proof of ownership for the inclusion of property commonly referred to as Laikipia/Lariak/469 where the court may then consider the plea.
12. In the upshot the estate of the deceased shall be distributed as follows;



| Asset | Beneficiaries |
|---|---|
| Title No. Kinamba Mithiga Block 2/287(Mithiga) Approximately 1.443 Ha. 70%(Available) | i. Veronicah Wangui Wambugu-17.5% ii. Catherine Nyambura Kiruki- 17.5% iii. Claire Muthoni- 17.5% iv. Natasha <i>Muthoni Kiruki</i> - 17.5% (To be shared Equally) |
| 50% of Title No. Laikipia/Lariak/452 Approximately 0.800 Ha.; | Veronicah Wangui(absolutely) |
| 50% of Title No. Laikipia/Lariak/452 Approximately 0.800 Ha.; | Veronicah Wangui(to hold in trust for all beneficiaries) |
| a) Funds held at ABSA Formerly Barclays Bank A/C No. 0034XXX b) Funds held at Co-operative Bank Ltd. Acc No 01116XXX c) Funds held at Equity Bank Acc No. 01601XXX d) Shares at Old Mutual Unit Trusts e) Ordinary Shares at Fedha Micro Investment Ltd. f) Ordinary Shares held at National Bank of Kenya Ltd g) Ordinary Shares held at Kenya Commercial Bank Ltd h) Ordinary Shares held at Co-operative Bank Ltd. | i. Veronicah Wangui Wambugu ii. Catherine Nyambura Kiruki iii. Claire Muthoni. iv. Natasha Muthoni Kiruki (To sold and proceeds be shared Equally) |

It is So Ordered.

SIGNED, DELIVERED VIRTUALLY ON TEAMS PLATFORM ON THIS 24TH DAY OF FEBRUARY 2026

MOHOCHI S.M

JUDGE

In the presence of: -

M/S. Njeri Njagua, Advocate for the Protestor

Mr Akang'o Advocate for the Petitioner

