



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYANDARUA

PROBATE & ADMINISTRATION NO. 18 OF 2025

IN THE MATTER OF THE ESTATE OF:

MUCHERU GITHINJI NGOTHO..... DECEASED

BETWEEN

PAUL MUNIU KAMAU.....1^S APPLICANT/PETITIONER

TERESIA MUTHONI ITORE..... 2ND APPLICANT

PETER MURURI MURAYA 3RD APPLICANT

ASUNTA NYAMBURA NDUTHU 4TH APPLICANT

FRANCIS KAMAU THUO 5TH APPLICANT

STEPHEN NGANGA NGURE.....6TH APPLICANT

AND

MUIRU MUCHERU 2ND ADMINISTRATOR/OBJECTOR

RULING

1. The distribution that is in issue is in respect of the deceased's land parcel number Nyandarua/Mkungu/581. Paul Muniu Kamau, one of the appointed administrators, filed a Summons for Confirmation dated 8th July 2025 and made the following proposal for sharing out land parcel number Nyandarua/Mkungu/581:

- a) Paul Muniu Kamau ½ acre
- b) Beth Wanjiru Nganga ¾ acre
- c) Asunta Nyambura Nduthu 1acre
- d) Stephen Nganga Ngure ½ acre
- e) Francis Kamau Thuo ½ acre
- f) Peter Muiruri Muya ½ acre

2. This was informed by the judgment of the High Court sitting at Nyahururu, which was delivered on the 7th day of October 2021. During the hearing of the dispute, it emerged that the deceased had sold the entire parcel to these beneficiaries.

3. In his objection to the confirmation, the 2nd administrator proposed the sharing of the parcel as follows:
- a) Paul Muniu Kamau
 - b) Beth Wanjiru Nganga
 - c) Asunta Nyambura Nduthu
 - d) Stephen Nganga Ngure
 - e) Francis Kamau Thuo
 - f) Peter Muiruri Muya
- To share 1.75 acres.
4. He went on to propose that the following share the remainder as follows:
- a) Muiru Mucheru 0.875 acres
 - b) Mbugua Mucheru Ngotho 0.125 acres
 - c) Margaret Wanjiku Irungu 0.125 acres
 - d) Ngugi Mucheru 0.125 acres
 - e) Flora Gathoni 0.125 acres
 - f) Kamau Mucheru 0.125 acres
 - g) Wanjiru Mucheru 0.125 acres
 - h) Peter Mucheru Ngotho 0.125 acres
5. Both the ELC (magistrates' court) and the High Court confirmed that Paul Muniu Kamau, Beth Wanjiru Nganga, Asunta Nyambura Nduthu, Stephen Nganga Ngure, Francis Kamau Thuo and Peter Muiruri Muya had purchased parcels of land from Mucheru Githinji Ngotho, the deceased herein. These two decisions were not appealed against. Section 47 A of the Evidence Act provides:
- A final judgment of a competent court in any criminal proceedings which declares any person to be guilty of a criminal offence shall, after the expiry of the time limited for an appeal against such judgment or after the date of the decision of any appeal therein, whichever is the latest, be taken as conclusive evidence that the person so convicted was guilty of that offence as charged.***
6. The 2nd administrator is estopped from raising the issue of the said parcel of land.

7. Land parcel number Nyandarua/Mkungi/581 is 1.45 Ha. This is equivalent to 3.583 acres. If we add the parcels sold to the 1st administrator and the other buyers, there will be no remainder for the family.
8. From the foregoing analysis of the evidence on record, I find that the objection lacks merit. The same is dismissed with costs.
9. The grant is therefore confirmed in accordance with the proposal in the Summons for Confirmation dated 8th July 2025.

Delivered and signed at Nyandarua, this 12th day of March 2026

KIARIE WAWERU KIARIE

JUDGE