



REPUBLIC OF KENYA



**In re Estate of Kamau (Deceased) (Succession Cause 34 of 2007)
[2026] KEHC 2579 (KLR) (27 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2579 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT ELDORET

SUCCESSION CAUSE 34 OF 2007

RN NYAKUNDI, J

FEBRUARY 27, 2026

IN THE MATTER OF THE ESTATE OF JAMES SAMUEL KIHUGA CHEGE (DECEASED)

AND

SUCCESSION CAUSE NO. 85 OF 2007

IN THE MATTER OF THE ESTATE OF TABITHA WAITHERA KAMAU (DECEASED)

RULING

1. This Ruling arises from the further conduct of these two twinned Succession Causes following the substantive Ruling of this Court delivered on 13th October 2025. The said Ruling addressed an application for stay of execution and leave to appeal brought by M/s Tum & Associates Advocates, which was struck out for failure to comply with the mandatory requirements of Order 9 Rule 9 of the Civil Procedure Rules. In addition to disposing of that application, this Court issued several compliance directions to the Administrators requiring them to take specific steps towards the practical implementation of the Certificate of Confirmation of Grant issued on 11th October 2024.
2. Pursuant to those directions and the various status conferences held with respective Advocates, the parties have filed further models that attempt to achieve an equal share. First, M/s Mosongo & Company Advocates, on behalf of the 1st, 4th Petitioners and 30 other Beneficiaries, filed a comprehensive distribution matrix, which he highlighted that it was based on: (a) the Certificate of Confirmation of Grant dated 11th October 2024; (b) the Uasin Gishu County Valuer Report dated 20th August 2025; and (c) the Uasin Gishu County Surveyor's Report dated 4th February 2026 in respect of L.R. No. Eldoret Municipality/Block 4/4. The said distribution matrix incorporates Tables A through D setting out, respectively, the full property schedule, domestication of the distribution matrix by property, domestication by family house, and domestication by advocate group.
3. Second, M/s Tum & Associates Advocates, on behalf of the 2nd and 3rd Petitioners (Vincent Njogu Kihuga and Anthony Kimani Kihuga, who are also Administrators), filed two affidavits dated 10th February 2026 and a Further Affidavit in response to the Surveyor's Report.



4. Separately, the 2nd Interested Party, Morris Gitau Kihuga, through his Advocates M/s Anassi Momanyi & Company Advocates, filed written submissions dated 11th February 2026 pressing his claim to a larger portion of L.R. Eldoret Municipality Block 4/4, specifically asserting entitlement to not less than 0.1600 hectares or, in the alternative, 0.1261 hectares as reflected in Proposal 3 of the County Surveyor's Report.

Decision

5. The Court has carefully considered all the foregoing documentation, including the Certificate of Incorporation and CR12 of Kihuga Muthuma Family Corporation Limited, the County Valuer's Report, the County Surveyor's Report, and the written submissions of M/s Anassi Momanyi & Company Advocates. This Ruling now addresses four discrete but interrelated matters: the adoption of the proposed distribution model with such modifications as the Court considers just; the definitive determination of the portion of L.R. Eldoret Municipality Block 4/4 to be allocated to Morris Gitau Kihuga and the determination of Vincent Njogu Kihuga's personal claim in respect of L.R. Eldoret Municipality/Block 12/184.
6. M/s Mosongo & Company Advocates, on behalf of the 1st and 4th Petitioners and 30 other Beneficiaries, filed a Proposed Distribution Model comprising Tables A through D. The model translates the decimal percentage matrix from the judgment of 11th October 2024 into specific property allocations anchored on the County Valuer's and County Surveyor's Reports, as this Court had directed. The Court acknowledges this filing as a substantive compliance effort and has considered it carefully.
7. Before turning to the allocations themselves, the Court makes a preliminary observation on the role of the valuation figures in this exercise. The monetary values assigned to individual properties in Table A serve one purpose only. They are to assist this Court in verifying that the distribution achieves rough parity among the 32 primary beneficiaries, each of whom is entitled to an equal share of the net distributable estate under Section 38 of the *Law of Succession Act* as read with Article 27(4) of *the Constitution*. The values are not an end in themselves. What matters is that each beneficiary emerges from this exercise with a defined, registrable interest in specific property. The estate of the late James Samuel Kihuga Chege is a diverse portfolio: urban commercial plots, agricultural land, residential parcels, and interests in jointly-owned properties across several counties and the distribution model must reflect that diversity by ensuring that no beneficiary is left with either a purely monetary entitlement on paper or an interest so fragmented as to be incapable of practical enjoyment. It is against this functional standard, rather than arithmetical precision in valuations, that the Court evaluates the model.
8. Approached on that basis, the Court is satisfied that largely Tables B, C and D, taken together, give sufficient effect to the equal distribution mandate. Table B allocates specific properties to named beneficiaries in defined portions or percentage shares. Table C organises those allocations by family house, providing a useful internal check that no house has been systematically advantaged or disadvantaged. The three tables are complementary and together provide a workable roadmap for the preparation of transmission instruments. The Court adopts them in principle as the operative distribution framework, subject to the modifications set out below.
9. The allocation of L.R. Eldoret Municipality Block 4/4 shall be subject to the Court's determination on Morris Gitau Kihuga's portion as set out in Section C of this Ruling. No transmission instrument shall issue in respect of Block 4/4 until that determination has been reflected in the amended tables.



10. In respect of properties allocated as undivided shares or as common tenancies, each beneficiary's registrable interest must be defined with precision in the transmission instrument whether by area, by reference to an approved subdivision plan, or by exact fractional share. A transmission that vests property in several beneficiaries without specifying each one's registrable interest will not be accepted.
11. The central outstanding controversy in these proceedings has been the quantum of the portion of L.R. Eldoret Municipality Block 4/4 that ought to be set apart for Morris Gitau Kihuga, one of the beneficiaries of the estate of the late James Samuel Kihuga Chege from House 4. The property, valued at KES 509,800,000 and measuring 0.967 hectares, is the single most valuable asset in the estate portfolio. Morris Gitau Kihuga has been in continuous physical occupation of a defined portion of this property, having established his matrimonial home therein, an occupation that predates these proceedings and was acknowledged in the judgment of 11th October 2024.
12. The County Surveyor's Report dated 4th February 2026 identified three proposals for the excision of Morris Gitau's portion: Proposal 1 (0.1228 Ha, valued at approximately KES 64,739,855), enclosing the homestead and gate as occupied by Morris Gitau Kihuga; Proposal 2 (0.0759 Ha, valued at approximately KES 40,014,292), confined to the house, parking, and backyard only; and Proposal 3 (0.1261 Ha, valued at approximately KES 66,479,607), representing the hypothetical 100 feet by 130 feet measurement earlier proposed by Vincent Njogu Kihuga. The Court notes the following positions adopted by the respective parties on the three proposals:
 - a. The 2nd and 3rd Petitioners through their Counsel Tum & Associates expressly adopted Proposal 1 in their Joint Affidavit sworn by Vincent Njogu Kihuga and Antony Kimani Kihuga dated 10th February 2026. Their position was that the portion of 0.1228 hectares, enclosing the homestead and gate, should be distributed to Morris Gitau Kihuga upon his forfeiture of all other estate properties.
 - b. The 1st, 4th Petitioners and 30 other Beneficiaries through Mosongo & Co. Advocates adopted Proposal 2 at 0.0759 hectares as the most practical and realistic distribution in their distribution model.
 - c. M/s Anassi Momanyi & Company Advocates, on behalf of Morris Gitau Kihuga, urged entitlement to 0.1600 hectares as originally offered by the Mosongo represented beneficiaries, or at the very least Proposal 3 of 0.1261 hectares.
13. M/s Anassi Momanyi & Company Advocates, on behalf of Morris Gitau Kihuga, urged the Court to award their client no less than 0.1600 hectares, being the measure originally offered on behalf of the Mosongo-represented beneficiaries, and submitted that the beneficiaries ought not to be permitted to resile from that offer. Counsel pressed the broader consideration that the property houses the deceased's family home, a structure whose preservation speaks to the legacy of the deceased and the continuity of family identity for future generations. Access to that home, both physical and as a matter of dignity, was said to be inseparable from any just allocation of the surrounding land.
14. The Court has carefully weighed the equitable principles applicable to this determination. This Court is called upon to balance the inheritance rights of 32 beneficiaries who are each entitled to an equal share of the estate against the distinct equity that has accrued to Morris Gitau Kihuga through his long, open, continuous and unchallenged occupation of a specific portion of the most valuable asset in the estate.
15. The variance in value between Proposal 2 (KES 40,014,292) and Proposal 3 (KES 66,479,607) is approximately KES 26,465,315, representing less than 2.4% of the total estate value. The variance



between Proposal 1 (KES 64,739,855) and Proposal 3 (KES 66,479,607) is approximately KES 1,739,752, which is negligible. In neither case does the variance so distort the overall distribution matrix as to cause iniquity to the remaining beneficiaries when evaluated against the totality of what each receives from the estate.

16. Having regard to all of the foregoing considerations, the applicable provisions of Section 38 of the *Law of Succession Act*, Article 27(4) of *the Constitution*, and the equitable principles enunciated in *Rono v Rono* (2005) AHLR 107 (KECA 2005), this Court finds that Proposal 3 of the County Surveyor's Report represents the just, fair and proportionate allocation for Morris Gitau Kihuga. The Court accordingly determines that Morris Gitau Kihuga shall be allocated a portion of L.R. Eldoret Municipality Block 4/4 measuring 0.1261 hectares, as delineated in Proposal 3 of the County Surveyor's Report dated 4th February 2026.
17. Vincent Njogu Kihuga, through M/s Tum & Associates Advocates, filed a Further Affidavit sworn on 10th February 2026 in which he advances a personal and distinct claim in respect of L.R. Eldoret Municipality/Block 12/184. His case is that during the lifetime of the deceased, James Kihuga Chege allocated the entire parcel to him to establish his matrimonial home and to pursue any business he saw fit. Acting on that allocation, he registered a sole proprietorship known as Kingply Pool Makers on the premises as far back as 12th January 2001, and he has since built both a matrimonial home and business premises on the land. He deposes that the business remains active to this day, that he meets all his tax, licensing and permit obligations in respect of it, and that several employees depend on it for their livelihoods. His claim is therefore not one of a beneficiary simply seeking a share of an asset in the abstract; it is the claim of a person who has, over many years and in plain reliance on a parental allocation, put down roots domestic and commercial on a specific piece of land. On that basis, and noting that this Court has already awarded the other half of Block 12/184 to the Estate of Ngaruiya Kamau, Vincent Njogu Kihuga prays that the estate's remaining half be distributed to him in its entirety rather than divided among the beneficiaries at large.
18. The Court has carefully considered this claim. It is noted at the outset that the claim raises a matter of substance that goes beyond the mere domestication exercise. Vincent Njogu Kihuga is not merely seeking a practical allocation of a property to which he is entitled as part of his per capita share; he is claiming that an additional and superior entitlement has accrued to him by reason of a pre-mortem allocation by the deceased and the developments he subsequently made on the property. This is a claim founded on principles analogous to those applied in Morris Gitau Kihuga's case, namely, that a beneficiary's specific occupation and development of an identifiable asset generates an equity that modifies the otherwise equal distribution.
19. However, the Court is mindful of the following important distinctions between Vincent Njogu Kihuga's claim and that of Morris Gitau Kihuga. First, Morris Gitau Kihuga's occupation and developments on Block 4/4 were visually confirmed by the Court, all Advocates, the Land Registrar and the Surveyor during the site visit. Vincent Njogu Kihuga's claim in respect of Block 12/184, by contrast, has not been the subject of any site visit or independent verification by an officer of the court. Second, the claim is presented by way of affidavit evidence only, supported by business registration documents. The other beneficiaries have not had a formal opportunity to respond to this specific claim on the merits, it having emerged in the compliance filing rather than as part of a formal application. It is therefore not a case where he has been overlooked in the distribution; rather, his prayer is that he should receive a greater portion than that to which his equal share entitles him, by reason of the alleged prior allocation and developments.
20. In the course of the litigation of this intestate estate, there has been so much prominence on monetary value of the estate as deducible from the valuation report as an influencer from some of the beneficiaries



to this Court to look at the legal conceptual framework under Section 35, 36, 37, 38 and 40 of the [Law of Succession Act](#) on the application and infusion of the doctrines of equality and equity in the devolution of the shares to the beneficiaries. That to me should not be the predominant factor as valuation of an estate is a determinant to achieve a commercial objective and not inheritance. In the initial invitation there was so much emphasis and usage of the word sale and disposal apparently that is not the jurisdiction of the probate Court although leave can be sought where there is compelling and substantial circumstances for the Administrators to dispose off by way of sale some of the assets. This jurisdiction is provided for under Section 47 of the [Law of Succession Act](#) which grants the Court authority to entertain applications and determine disputes allowing it to authorize the sale of estate assets to pay debts or for the welfare of the beneficiaries. A sale of an intestate estate can also occur when necessary for the administration of the estate e.g. settling of debts if all beneficiaries consent or the court determines it to be in the best interest of the beneficiaries. The timing is of essence in cases of intestacy as the power to sell or dispose of the deceased property generally arises after grant of letters of grant of administration has been confirmed. This is limited power for the Probate Court for it can only authorize the sale of assets that are undisputedly owned by the deceased during his lifetime. What must be affirmed in law is that the Probate Court is primarily for distributing the deceased's property and it cannot adjudicate issues of sale involving 3rd parties and such disputes must be handled after the entire distribution has been completed. In the discussion which ensued at the site of one of the disputed properties which is considered prime part of the entire estate one of the beneficiaries has lived and occupied what can now call his matrimonial property for decades. In my view, regarding inheritance rights required by reason of descent during the lifetime of the deceased especially in the context of the right to life under Article 26 and right to Human Dignity in Article 28 of the same constitution those rights evolve to be aligned with constitutional principles of equality and non-discrimination. In the context of this inheritance one Morris heir to the estate has continuously been in occupation to the portion of land with improved housing facilities which both his family calls home. The objection to his share is more fundamentally on the valuation done in which his siblings feel that to rank him of having taken a lion share of the estate to their disadvantage. The court was taken through various suggestions including demolishing part of the house as it currently stands so that fairness can be found as between and among the beneficiaries. The critical question is whether it will be in the best interest of one of their siblings to have his matrimonial home destroyed so that justice can not only to be seen but be done on the distribution of the intestate estate of the beneficiaries. While it is true the valuer gave a valuation of the estate but it should not adversely affect the rights or the legitimate expectation of one of their very own who has lived in this same location for a number of years and cannot now be asked to make a fresh start in so far as his rights to inheritance are concerned. I am therefore persuaded that the objection raised including to have the house split so that more portions of the homestead can be available for distribution cannot be said to be said to be a feature of inheritance system in our legal structure. The distribution of the inheritance property is not to impoverish the beneficiaries may it be daughters or sons to the deceased as identified positively to belong to that lineage under Section 29 of the [Law of Succession Act](#). This presupposes that if it is about the value Morris shares in the other suit properties which have been earmarked for distribution some kind of forfeiture can be carried out to allow him the enjoyment of his right to life within this very homestead which he has occupied before and after the demise of his late father. I am therefore inclined to adopt one of the recommendations made by the surveyor who accompanied the court to the site with a view to assist the court in this contentious issue on elements of distribution geared to achieve a fair and proportionate devolution of inheritance right to the beneficiaries.

21. This ruling would be incomplete without emphasising that the primary Judgement of this court which gave rise to the final decree on distribution provided a model using percentages instead of literal identification of shares as contemplated by Section 35, 36, 37, 38, & 40 of the [Law of Succession](#)



Act. These provisions underpins the concept of monogamous or polygamous household within their design and architecture of African Families. The percentages and decimals given by the administrators tend to bring out some vagueness and ambiguity. The errors of fact apparently occasioned errors of law apparent on the face of the record which are self-evident patent, and for me do not require any elaborate arguments to discover it or to establish it. The review jurisdiction under Section 80 of the Civil Procedure Act and Order 45 Rule 1 of the Civil Procedure Rules is not meant to re-litigate the issues but to review the primary Judgement of ruling to bring it in tandem with the Applicable law and facts of the case. To whom shall the provisions apply:

- i. An application for review of a decree or order of a court, upon some ground other than the discovery of such new and important matter or evidence as is referred to in rule 1, or the existence of a clerical or epithetical mistake or error apparent on the face of the decree, shall be made only to the judge who passed the decree, or made the order sought to be reviewed.
- ii. If the judge who passed the decree or made the order is no longer attached to court, the application may be heard by any other judge who is attached to that court at the time the application comes for hearing. the
- iii. If the judge who passed the decree or made the order is still attached to the court but is precluded by absence or other cause for a period of 3 months next after application for review is lodged, the application may be heard by such other judge as the Chief Justice may designate.

In the case of *Nyamogo & Nyamogo Advocates v Kogo* (2001) EA 174, it was held that an error is apparent if it is so manifest and clear that no court would permit such an error to remain on the record. Review of a Judgement of the Court or ruling by the same Judge who heard and determined the issues is not equated to an appeal but it is confined to the scope of Section 80 of the Civil Procedure Act and Order 45 Rule 1 of the Civil Procedure Rules. It is important to note that the impugned judgement of the court in its declarations must be clear and precise to be conceived and interpreted by the disputants to the Succession Cause. The real distinction between apportionment of land in percentages and tangible allocations of 1/8. ¼. ½ or and an acre as the case may be dependent upon the net estate of the deceased is more appreciative and in line to the spirit of Section 38 & 40 of the Law of Succession Act. Moreover if one was to send a surveyor to place beacons on the various portions the measure of percentages will place him or her to go deeper into the legal science of mapping and conversion which is extremely unnecessary. I think in my view the model of percentages as a metrics of distribution on immovable assets of the deceased was just made to cause some kind of confusion both to the court and the ordinary reader in the streets who happen to log in into Kenya Law to stay informed on the legal development on Succession Law. I am persuaded beyond doubt that with this background ordained by Section 80 of the Civil Procedure Act and Order 45 Rule 1 of the Civil Procedure Rules the amendment of the Certificate of confirmation of grant forming the basis structure on transmission of the estate to the beneficiaries stands reviewed and amended forthwith without further delay by the Deputy Registrar going by the amendment incorporated by the administrators as hereinunder outlined:



Valuation report No.	LR No.	Size in Ha	Valuation Report Value
1	ELD Mun Block16(Kamukunji)80	1.840	18,000,000
2	ELD Mun Block16(Kamukunji)127	0.06	800,000
3	ELD Mun Block16(Kamukunji)316	0.05	5,800,000
4	ELD Mun Block16(Kamukunji)317	0.05	3,850,000
5	ELD Mun Block2/158/1	0.05	9,200,000
6	ELD Mun Block2/159/1	0.05	10,500,000
7	ELD Mun Block2/189/1		1,666,667
8	ELD Mun Block2/225/1	0.1384	19,500,00
9	ELD Mun Block 15 (west farmers) 1724	0.1	2,000,000
10	ELD Mun Block 15 (west farmers) 1632	0.1	2,000,000
11	LR No 772/7 IR No 8266	40.47	270,000,000
12	Kapsaret/Kapsaret Block (Yamumbi) 74	1.8	18,000,000
13	Langas 590-610 Section IV		3,500,000
14	Racecourse/30		2,000,000
16	ELD Mun Block9/17(border farm) 79		28,000,000



17	ELD Mun Block9/17(border farm) 203	0.4045	22,300,000
18	ELD Mun Block12/84	0.098	21,450,000
19	ELD Mun Block 7/55	0.0697	108,500,000
20	ELD Mun Block4/4	0.967	509,800,000
21	Laikipia/Diaga/Ethi Block 2/2050	8.12	10,000,000
22	Laikipia Supuko Block 111/1236	0.17	1,000,000
23	Transzoia/ Kaisagat/125	1.9	4,500,000
24	Muranga Loc3/ Mungaria/495	2.01	11,500,000
25	LR No. 57/766 IR No	0.0201	8,500,000
26	Kiambu/Dagoreti/ Kangemi/S 175	0.09999	20,500,000
Grand total			1,112,866,667



Valuation Ref No.	LR Number	Name	% share	Share in Ha	Valuer value
1.	ELD Mun Block 16(Kamukunji)	John Kimani Kihuga	Whole	1.840	18,000,000
2.	ELD Mun Block 16(Kamukunji)	Corporation	Whole	0.06	800,000
3.	ELD Mun Block 16(Kamukunji)	Stephen Muthuma Ndungu	Whole	0.05	5,800,000
4.	ELD Mun Block 16(Kamukunji)	Donald Kamuro Kihuga	Whole	0.05	3,850,000
5.	ELD Mun Block2/158/1	Anthony Kimani Kihuga	Whole	0.05	9,200,000
6.	ELD Mun Block2/159/1	Peter Kibira Kihuga	Whole	0.05	10,500,000
7.	ELD Mun Block2/189/1	Elizabeth Wanjiku Kariungi	Whole	0.0297	1,666,667
8.	ELD Mun Block2/225/1	James Njogu Kihuga	Whole	0.14	19,500,00
9.	ELD Mun Block 15 (west farmers) 1724	Michael Kinyanjui Kihuga	Whole	0.10	2,000,000
10.	ELD Mun Block 15 (west farmers) 1632	Peter Kibira Kihuga	Whole	0.10	2,000,000
11.	LR No 772/7 IR No 8266	Antony Kimani Kihuga	8.0	3.25	21,691,474



Corporation	23.4	9.49	63,281,185
Donald Kamuro Kihuga	5.0	2.02	13,500,000
Eliud Njogu Kihuga	8.5	3.43	22,893,510
Elizabeth Jepchumba Chesire & Victoria Gathoni Gitau	7.5	3.04	20,250,000
Elizabeth Wanjiku Kihuga	7.8	3.14	20,941,474
Francis Ndungu Kihuga	3.0	1.22	8,108,141
James Njogu Kihuga	5.6	2.26	15,108,141
Mary Wambui Gichure	3.8	1.56	10,391,474
Michael Kinyanjui Kihuga	1.7	0.69	4,608,141
Peter Kibira Kihuga	8.2	3.31	22,108,141
Peter Mucheru Kihuga	7.5	3.06	20,383,141
Stephen Muthuma Ndugu	1.1	0.43	2,852,035
Vincent Njogu Kihuga	8.8	3.58	23,883,141



12.	Kapsaret/ Kapsaret Block (Yamumbi) 74	Francis Ndungu Kihuga	100	Whole	18,000,000
13.	Langas 590-610 Section IV	Peter Mucheru Kihuga	100	Whole	3,500,000
14.	Racecourse/30	Elizabeth Wanjiku Kariungi	100	Whole	2,000,000
16.	ELD Mun Block 9/17 (border farm) 79	Michael Kinyanjui Kihuga	100	Whole	28,000,000
17.	ELD Mun Block 9/17(border farm) 203	Antony Kimani Kihuga	16.7	0.07	3,716,667
		Job Mbugua Ndungu	38.8	0.16	8,652,035
		Mary Wambui Gichure	16.7	0.07	3,716,667
		Eliud Njogu Kihuga	27.9	0.11	6,214,631
18.	ELD Mun Block12/84	Peter Mucheru Kihuga	50.0	0.05	10,725,000
		Vincent Njogu Kihuga	50.0	0.05	10,725,000
19.	ELD Mun Block 7/55	Corporation	Whole	0.07	108,500,000
20.	ELD Mun Block 4/4	Corporation	0.8254	0.8254	435,177,567
		Eunice Wambui Ndungu	0.0656	0.0656	34,608,141



		Morris Gitau Kihuga	0.0759	0.0759	40,014,292
21.	Laikipia/ Diaga/Ethi Block 2/2050	Elizabeth Wanjiku Kihuga	Whole	8.12	10,000,000
22.	Laikipia Supuko Block 111/1236	Eliud Njogu Kihuga	Whole	0.17	1,000,000
23.	Transzoia/ Kaisagat/125	Eliud Njogu Kihuga	Whole	1.90	4,500,000
24.	Muranga Loc 3/ Mungaria/495	John Kimani Kihuga	Whole	2.01	11,500,000
25.	LR No. 57/766 IR No	Francis Ndungu Kihuga	Whole	0.02	8,500,000
26.	Kiambu/ Dagoreti/ Kangemi/S 175	Mary Wambui Gichure	Whole	0.10	20,500,000
Grand Total					1,112,866,667



Name	Next of Kin	Valuer Ref #	LR Number	Share in Ha	Amount
Eunice Wambui Ndungu		20	ELD Mun Block4/4	0.066	34,608,141
Total				34,608,141	
Anthony Kimani Kihuga		5	ELD Mun Block 2/158/1	0.05	9,200,000
		11	LR No 772/7 IR No 8266	3.25	21,691,474
		17	ELD Mun Block 9/17(border farm) 203	0.07	3,716,667
Total					34,608,141
Eliud Njogu Kihuga		11	LR No 772/7 IR No 8266	3.43	22,893,510
		22	Laikipia Supuko Block 111/1236	0.17	1,000,000
		23	Transnoia/ Kaisagat/125	1.90	4,500,000
		17	ELD Mun Block9/17(border farm) 203	-	6,214,631
Total					34,608,141
Grace Wangui (deceased)	Samuel Kihuga Thairu	11	LR No 772/7 IR No 8266	0.168	900,869
		19	Eld Mun Block 7/55	0.004	1,544,603



	20	Eld Mun Block 4/4	0.044	6,195,175
	2	Eld Mun Block 16 (Kamukunji)127	0.003	11,389
Total				8,652,035
Mary Edith Njeri Thairu	11	LR No 772/7 IR No 8266	0.168	900,869
	19	Eld Mun Block 7/55	0.004	1,544,603
	20	Eld Mun Block 4/4	0.044	6,195,175
	2	Eld Mun Block 16(Kamukunji)127	0.003	11,389
Total				8,652,035
Henry Kibiku Thairu	11	LR No 772/7 IR No 8266	0.168	900,869
	19	Eld Mun Block 7/55	0.004	1,544,603
	20	Eld Mun Block 4/4	0.044	6,195,175
	2	Eld Mun Block 16 (Kamukunji)127	0.003	11,389
Total				8,652,035
Phylis Njoki Thairu	11	LR No 772/7 IR No 8266	0.168	900,869
	19	Eld Mun Block 7/55	0.004	1,544,603



		20	Eld Mun Block 4/4	0.044	6,195,175
		2	Eld Mun Block 16 (Kamukunji)127	0.003	11,389
	Total				8,652,035
Total					34,608,141
Nancy Nyambura Bate (deceased)	Robert Kihuga Bate	11	LR No 772/7 IR No 8266	0.168	1,801,738
		19	Eld Mun Block 7/55	0.004	3,089,205
		20	Eld Mun Block 4/4	0.044	12,390,349
		2	Eld Mun Block 16(Kamukunji)127	0.003	22,778
	Total				17,304,071
	Martin Kimani Bate	11	LR No 772/7 IR No 8266	0.168	1,801,738
		19	Eld Mun Block 7/55	0.004	3,089,205
		20	Eld Mun Block 4/4	0.044	12,390,349
		2	Eld Mun Block 16 (Kamukunji)127	0.003	22,778
	Total				17,304,071
Total					34,608,141
Moses Ndungu Kihuga (deceased)	Mark Kihuga Ndungu	11	LR No 772/7 IR No 8266	0.168	900,869



	19	Eld Mun Block 7/55	0.004	1,544,603
	20	Eld Mun Block 4/4	0.044	6,195,175
	2	Eld Mun Block 16 (Kamukunji)127	0.003	11,389
Total				8,652,035
Phylis Njoki Ndungu	11	LR No 772/7 IR No 8266	0.168	900,869
	19	Eld Mun Block 7/55	0.004	1,544,603
	20	Eld Mun Block 4/4	0.044	6,195,175
	2	Eld Mun Block 16(Kamukunji)127	0.003	11,389
Total				8,652,035
Job Mbugua Ndungu	17	ELD Mun Block 9/17(border farm) 203	0.003	8,652,035
Total				8,652,035
Stephen Muthama Ndungu	3	ELD Mun Block16 (Kamukunji)316	0.003	5,800,000
	11	LR No 772/7 IR No 8266	0.003	2,852,035
Total				8,652,035
Elizabeth Kariungi	Wanjiku	7	ELD Mun Block2/189/1	- 1,666,667



	11	LR No 772/7 IR No 8266	3.14	20,941,474
	21	Laikipia/ Diaga/Ethi Block 2/2050	8.12	10,000,000
	14	Racecourse/30		2,000,000
Total				34,608,141
Esther Njoki Oyaro	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6,178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16(Kamukunji)127	0.00	45,555
Total				34,608,141
Mary Wambui Gichure	11	LR No 772/7 IR No 8266	1.56	10,391,474
	17	ELD Mun Block9/17(border farm) 203	0.07	3,716,667
	26	Kiambu/ Dagoreti/ Kangemi/ S 175	0.10	20,500,000
Total				34,608,141
House One Total				311,473,270
House 2				



Lucy Wangechi Muturi	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6,178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16(Kamukunji)127	0.00	45,555
Total				34,608,141
Peter Kibira Kihuga	6	ELD Mun Block2/159/1	0.05	10,500,000
	10	ELD Mun Block 15 (west farmers) 1632	0.10	2,000,000
	11	LR No 772/7 IR No 8266	3.31	22,108,141
Total				34,608,141
Sarah Wambui Gatherere	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6,178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16(Kamukunji)127	0.00	45,555
Total				34,608,141



Dorcas Kihuga	Nyambura	11	LR No 772/7 IR No 8266	0.54	3,603,476
		19	ELD Mun Block7/55	0.00	6,178,411
		20	ELD Mun Block4/4	0.05	24,780,699
		2	Eld Mun Block 16(Kamukunji)127	0.00	45,555
Total					34,608,141
Jackline Jemima Gathigia Kihuga		11	LR No 772/7 IR No 8266	0.54	3,603,476
		19	ELD Mun Block7/55	0.00	6,178,411
		20	ELD Mun Block4/4	0.05	24,780,699
		0	Eld Mun Block 16(Kamukunji)127	0.00	45,555
Total					34,608,141
John Njogu Kihuga (deceased)	Irene Nyokabi Chege	11	LR No 772/7 IR No 8266	0.54	3,603,476
		19	ELD Mun Block7/55	0.00	6,178,411
		20	ELD Mun Block4/4	0.05	24,780,699
		0	Eld Mun Block 16(Kamukunji)127	0.00	45,555
Total					34,608,141



Stephen Gitau Kihuga (deceased)	Elizabeth Jepchumba Chesire & Victoria Gathoni Gitau	19	ELD Mun Block7/55	0.00	2,563,284
		20	ELD Mun Block4/4	0.02	10,280,956
		11	LR No 772/7 IR No 8266	0.22	21,745,001
		2	Eld Mun Block 16(Kamukunji)127	0.00	18,900
Total					34,608,141
Donald Kamuro Kihuga		11	LR No 772/7 IR No 8266	0.27	15,296,956
		19	ELD Mun Block7/55	0.00	3,081,006
		20	ELD Mun Block4/4	0.05	12,357,462
		4	ELD Mun Block 16(Kamukunji)317	0.05	3,850,000
		2	Eld Mun Block 16(Kamukunji)127	0.00	22,717
Total					34,608,141
House two Total					276,865,129
House 3					
Michael Kihuga	Kinyanjui	9	ELD Mun Block 15 (west farmers) 1724	0.10	2,000,000
		11	LR No 772/7 IR No 8266	0.69	4,608,141



	16	ELD Mun - Block9/17(border farm) 79		28,000,000
Total				34,608,141
Sarah Wamboi Kihuga	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6,178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16(Kamukunji)127	0.00	45,555
Total				34,608,141
Vincent Njogu Kihuga	11	LR No 772/7 IR No 8266	3.58	23,883,141
	18	ELD Mun Block12/84	0.05	10,725,000
Total				34,608,141
Morris Gitau Kihuga	20	ELD Mun Block4/4	0.0759	40,014,292
Total				40,014,292
Esther Wanjiku Kihuga	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6,178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16(Kamukunji)127	0.00	45,555



Total				34,608,141
John Kimani Kihuga	11	LR No 772/7 IR No 8266	0.08	531,871
	19	ELD Mun Block7/55	0.00	911,930
	20	ELD Mun Block4/4	0.01	3,657,616
	1	ELD Mun Block16(Kamukunji)80	1.84	18,000,000
	24	Muranga Loc3/ Mungaria/495	2.01	11,500,000
	2	Eld Mun Block 16(Kamukunji)127	0.00	6,724
Total				34,608,141
David Gathendu Kihuga	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6,178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	0	Eld Mun Block 16 (Kamukunji)127	0.00	45,555
Total				34,608,141
George Ngombe Kihuga	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6,178,411



		20	ELD Mun Block4/4	0.05	24,780,699
		0	Eld Mun Block 16 (Kamukunji)	0.00	45,555
Total					34,608,141
House three total					282,271,280
House 4					
Francis Ndungu Kihuga		11	LR No 772/7 IR No 8266	1.22	8,108,141
		12	Kapsaret/ Kapsaret Block (Yamumbi) 74	1.80	18,000,000
		25	LR No. 57/766 IR No	0.02	8,500,000
Total					34,608,141
Tabitha Wanjira Kihuga(deceased)	Jane Njeri Muchema	11	LR No 772/7 IR No 8266	0.618	1,801,738
		19	ELD Mun Block 7/55	0.004	3,089,205
		20	ELD Mun Block 4/4	0.044	12,390,349
		2	Eld Mun Block 16 (Kamukunji)	0.003	22,778
	Total				
	Dennis Kihuga Muchema	11	LR No 772/7 IR No 8266	0.618	1,801,738



	19	ELD Mun Block7/55	0.004	3,089,205
	20	ELD Mun Block4/4	0.044	12,390,349
	2	Eld Mun Block 16 (Kamukunji)127	0.003	22, 778
	Total			17,304,071
Total				34,608,141
Susan muthoni Kihuga	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16(Kamukunji)127	0.003	45,555
Total				34,608,141
Peter Mucheru Kihuga	11	LR No 772/7 IR No 8266	3.06	20,383,141
	13	Langas 590-610 Section IV	-	3,500,000
	18	ELD Mun Block12/84	0.05	10,725,000
Total				34,608,141
Serah Wamboi Kihuga	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6178,411



	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16 (Kamukunji)	0.003 127	45,555
Total				34,608,141
Margaret Nyambura Kihuga	11	LR No 772/7 IR No 8266	0.54	3,603,476
	19	ELD Mun Block7/55	0.00	6178,411
	20	ELD Mun Block4/4	0.05	24,780,699
	2	Eld Mun Block 16 (Kamukunji)	0.003 127	45,555
Total				34,608,141
James Njogu Kihuga	8	ELD Mun Block2/225/1	0.14	19,500,00
	11	LR No 772/7 IR No 8266	2.26	15,108,141
Total				34,608,141
House Four total				242,256,987.91
Grand Total				1,112,866,667.00



Advocate	Group	Name	Valuer value
Mosongo	Kihuga Muthuma Family Corporation Ltd	Esther Njoki Oyaro	34,608,141
		Samuel Kihiga Thairu	8,652,035
		Mary Edith Njeri Thairu	8,652,035
		Henry Kibiku Thairu	8,652,035
		Pyhlis Njoki Thairu	8,652,035
		Robert Kihuga Bate	17,304,071
		Martin Kimani Bate	17,304,071
		Mark Kihuga Ndungu	8,652,035
		Pyhlis Njoki Ndungu	8,652,035
		Lucy Wangeci Muturi	34,608,141
		Sarah Wambui Gatherer	34,608,141
		Dorcas Nyambura Kihuga	34,608,141
		Jackline Jemima Gathiaga Kihuga	34,608,141
		Irene Nyokabi Chege	34,608,141
		Elizabeth Jepchumba Chesire & Victoria Gathoni Gitau	34,608,141
Donald Kamuro Kihuga	34,608,141		
Sarah Wamboi Kihuga	34,608,141		
Esther Wanjiku Kihuga	34,608,141		



		John Kimani Kihuga	34,608,141
		David Gathonu Kihuga	34,608,141
		George Ngombe Kihuga	34,608,141
		Jane Njeri Muchema	17,304,071
		Dennis Kihuga Muchema	17,304,071
		Susan Muthoni Kihuga	34,608,141
		Serah Wamboi Kihuga	34,608,141
		Margaret Nyambura Kihuga	34,608,141
	Corporation Total		674,858,752
		Peter Mucheru Kihuga	34,608,141
		Francis Ndungu Kihuga	34,608,141
		James Njogu Kihuga	34,608,141
		Mary Wambui Gichure	34,608,141
		Job Mbugua Ndungu	8,652,035
	Mosongo Total		821,943,352
Tum	Tum Group	Anthony Kimani	34,608,141
		Peter Kibira Kihuga	34,608,141
		Michael Kinyanjui Kihuga	34,608,141
		Vincent Njogu Kihuga	34,608,141



		Stephen Muthuma Ndungu	8,652,035
Tum total			147,084,600
Wambua	Other	Eliud Njogu Kihuga	34,608,141
Momanyi		Morris Gitau Kihuga	40,014,292
Odero		Elizabeth Wanjiku Kariungi	34,608,141
		Eunice Wambui	34,608,141
Odero Total			69,216,282
Others total			143,838,715
Grand total			1,112,866,667

22. To this end, it shall remain as reflected in the distribution model and shall be transmitted accordingly. With this in mind the Deputy Registrar of the High Court be and is hereby directed to issue an amended certificate of confirmation to form the basic structure of distribution to this long protracted litigation.
23. In the premises the following orders shall abide:
- a. That the Proposed Distribution Model Comprising Tables A through D filed by M/s Mosongo & Company Advocates is hereby adopted as the operative distribution framework for the amendment of the Certificate of Confirmation of Grant dated 11th October 2024, subject to the modifications directed in this Ruling in terms of Section 80 of the *Civil Procedure Act* as construed with Section 1(A), 1(B), 3, & 3(A) of the same Act and also in furtherance of this objective order 45 Rule (1) of the Civil Procedure Rules as also read with Rule 73(1) of the Probate and Administration Rules
 - b. That in line with the observations made by this court in the presence of some of the beneficiaries and the administrators one Morris Gitau Kihuga is hereby allocated a portion of L.R. Eldoret Municipality Block 4/4 measuring 0.1261 hectares as delineated in the Proposal clause 3 of the County Surveyor's Report dated 4th February 2026. The Administrators shall ensure that the amended distribution model reflects this allocation.
 - c. That an order be and is hereby made for the benefit of one Vincent Njogu Kihuga's personal claim that the estate's entire half-share of L.R. Eldoret Municipality/Block 12/184 be allocated exclusively to him is hereby dismissed.
 - d. That no transmission instrument shall be presented to the Land Registry Uasin Gishu County in respect of any charged property unless a valid discharge of charge has first been obtained by the administrators. The Administrators



shall ensure this condition is satisfied in respect of L.R. Eld Mun Block 2/158/1, L.R. Eld Mun Block 2/159/1, L.R. Eld Mun Block 7/55, and Kapsaret/Kapsaret Block 1 (Yamumbi) 74 before presenting transmission instruments for those properties.

- e. That a declaration be and is hereby made that no disposal or sale of the intestate estate shall be deemed to take place unless and until the shares have been beaconsed as stipulated in the surveyors report which will act as a guide in the distribution of the estate.
- f. That a declaration be and is hereby made that any such leave for sale of the estate before transmission to the beneficiaries as per the certificate of grant of confirmation shall be granted on application to this court.
- g. That in terms of Section 82, 83, & 84 of the *law of Succession Act*, the administrators functions are well spelt out both in the letter and spirit of the law. As a consequence there shall be no further delay to distribute the estate within the canons of the law.
- h. That in respect of this matter I make no orders as to costs given the nature of this matter.

24. Orders accordingly.

**DELIVERED, DATED AND SIGNED AND SHARED VIA CTS AND E-MAILS AT ELDORET
ON THIS 27TH DAY OF FEBRUARY 2026**

R. NYAKUNDI

JUDGE

